

By Mr. STEVENS of Minnesota: A bill (H. R. 17779) granting an increase of pension to Patrick Fallihee—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of citizens of Beaver County, Pa., for acknowledgement of the authority of Christ and the law of God in the Constitution of the United States—to the Committee on the Judiciary.

By Mr. ESCH: Petition of the Woman's Christian Temperance Union of Melrose, Wis., favoring the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. FINLEY: Petition of the Business Men's Association of Gaffney, S. C., favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Petition of the Receivers and Shippers' Association of Cincinnati, Ohio, favoring Government regulation of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the Nelson Knitting Company, of Rockford, Ill., favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Edward C. Page, of Dekalb, Ill., favoring an appropriation for preparing and printing the diplomatic correspondence from 1789 to 1860—to the Committee on Printing.

Also, petition of the Chapman & Smith Co., of Chicago, favoring the Quarles-Cooper bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Textile World Record in opposition to the metric system in the Philippine Islands—to the Committee on Insular Affairs.

Also, resolution of the Interstate Commerce Law Convention, favoring legislation fixing reasonable rates of transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Petition of citizens of Port Washington, Ohio, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Trade of Columbus, Ohio, favoring international arbitration—to the Committee on Foreign Affairs.

Also, petition of the United Confederate Veterans, favoring care and preservation of Confederate graves—to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of J. E. Littell et al., favoring the Hepburn-Dolliver bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. HILDEBRANT: Papers to accompany bill for relief of Elizabeth A. Deuell—to the Committee on War Claims.

By Mr. HINSHAW: Paper to accompany bill for the relief of R. J. Bullock (H. R. 4939)—to the Committee on Invalid Pensions.

By Mr. HITT: Petition of L. E. West Gum Company, of Rock Island, Ill., relative to legislative relief, by national law, from excessive railroad rates—to the Committee on Interstate and Foreign Commerce.

By Mr. LIND: Petition and papers to accompany bill granting a pension to Elizabeth Caesper—to the Committee on Invalid Pensions.

Also, petition of George N. Morgan Post, No. 4, Grand Army of the Republic, of Minnesota, to grant a pension to Amanda Elizabeth Hull, of Minneapolis, Minn.—to the Committee on Invalid Pensions.

By Mr. LITTAUER: Paper to accompany bill for relief of Jerome B. Robinson—to the Committee on Invalid Pensions.

By Mr. MAYNARD: Papers to accompany bill for relief of Charles H. Oehm et al.—to the Committee on War Claims.

By Mr. PORTER: Petition of Russell C. Paris, favoring bill H. R. 3586—to the Committee on Naval Affairs.

Also, petition of W. R. Lanman, of Pittsburg, favoring legislation prohibiting intoxicating liquors in Indian Territory; also, favoring passage of Hepburn-Dolliver bill—to the Committee on Interstate and Foreign Commerce.

By Mr. POWERS of Massachusetts: Petition of G. Fred Harwood et al., favoring legislation making polygamy a crime in the United States—to the Committee on the Judiciary.

By Mr. RYAN: Petition of F. B. Griffith Division, No. 533, Brotherhood of Locomotive Engineers, Buffalo, N. Y., favoring Bates-Penrose employers' liability bill—to the Committee on the Judiciary.

Also, petition of Lake Erie Lodge, No. 241, Brotherhood of

Locomotive Firemen, Buffalo, N. Y., favoring Bates employers' liability bill—to the Committee on the Judiciary.

By Mr. SMITH of Kentucky: Papers to accompany bill for the relief of T. R. McBeath—to the Committee on War Claims.

By Mr. SOUTHALL: Paper to accompany bill for relief of Charles B. Drinkard—to the Committee on Pensions.

By Mr. STERLING: Paper to accompany bill for the relief of William F. Whorley—to the Committee on Invalid Pensions.

By Mr. VAN DUZER: Petition of John Barrett et al., favoring enactment of bill H. R. 62—to the Committee on the Library.

Also, petition of W. A. Burns et al., favoring passage of bill H. R. 62—to the Committee on the Library.

By Mr. WYNN: Petition of the Seattle Chamber of Commerce, favoring usual 4 per cent differential in the coming naval appropriation bill in favor of Pacific coast builders—to the Committee on Naval Affairs.

SENATE.

MONDAY, January 16, 1905.

The Chaplain, Rev. EDWARD E. HALE, said:

Hearken unto the statutes and unto the judgments which I teach you for to do them, that ye may go in and possess the land which the Lord God of your fathers giveth you. This is your wisdom and your understanding in the sight of the nations. What nation is there so great that hath statutes and judgments so righteous as all this law which the Lord God of your fathers giveth you?

Rabbi ABRAHAM SIMON, of the city of Washington, offered the following prayer:

Profoundly grateful for all Thy countless blessings and fully conscious of Thy presence here and wherever Thy name is called upon in sincerity, we invoke Thy spirit to dwell among us at this hour and at all times. Every spot in our fair land has a glory all its own to enkindle our pride and to prompt our prayer. We feel Thy everlasting arms support us, and we pray that we may never cease to deserve Thy protection nor fall below the great mission which Thou hast placed in our hands.

Even as the sun, ready to run his race, stands this hour highest in the heavens, declaring Thy glory, so does our beloved America enjoy now the high noon of prosperity and promise. May she not lose her queenly zenith nor go the downward slope to decline. Give us, therefore, O God, a deeper appreciation of the heroism of peace and of the apostleship of justice with which Thou has commissioned us. May we feel that the consciousness of American sovereignty lies in a righteous citizenship. Let us realize soulfully that honesty is not only the best policy, but the only principle of a self-respecting nation or individual. May we learn to hear Thy voice, not in the storm of formidable power nor in the fire of flinty steel nor in the quake of raging creeds, but in the still small voice of equity, justice, and peace.

And not only here, but everywhere, may Thy blessings be bountifully bestowed. Wherever there is a hand uplifted to heal and to help, do Thou treble its efficacy for good; wherever there is a voice crying out against injustice and persecution, do Thou give ear and force to its righteous appeal.

Bless all the peoples with increasing wisdom, freedom, and brotherliness, that the day may not be far distant when all may stand in the high noon of full-orbed liberty and recognize in the great Republic of a united humanity but one citizenship, that of a consecrated manhood and womanhood, under Thee, the Father and Ruler of all. Amen.

The Chaplain thereupon said the Lord's Prayer.

The PRESIDENT pro tempore resumed the chair.

Mr. THOMAS M. PATTERSON, a Senator from the State of Colorado, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House disapproves to the amendments of the Senate to the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses

thereon, and had appointed Mr. BINGHAM, Mr. LITTAUER, and Mr. LIVINGSTON managers at the conference on the part of the House.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 15225) to amend the act relating to the printing and distribution of public documents, and for other purposes.

The message further announced that the House insists upon its amendment to concurrent resolution No. 91, of the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LANDIS, Mr. PERKINS, and Mr. TATE managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

S. 266. An act granting a pension to Emma S. Harney;
S. 316. An act granting an increase of pension to Elmore Y. Chase;
S. 377. An act granting an increase of pension to Ezra W. Cartwright;
S. 424. An act granting a pension to George W. Lehman;
S. 552. An act granting an increase of pension to Ira K. Eaton;
S. 554. An act granting an increase of pension to Thomas P. Farley;
S. 566. An act granting an increase of pension to William H. Hart;
S. 567. An act granting an increase of pension to William Cody;
S. 776. An act granting an increase of pension to Calvin H. Morris;
S. 784. An act granting an increase of pension to Beverly Waugh;
S. 801. An act granting an increase of pension to Samuel L. D. Goodale;
S. 844. An act granting an increase of pension to Mary L. Duff;
S. 850. An act granting an increase of pension to Henry V. Sims;
S. 1207. An act granting an increase of pension to James D. Stewart;
S. 1208. An act granting an increase of pension to Samuel G. Magruder;
S. 1413. An act granting a pension to Louisa D. Miller;
S. 1539. An act granting an increase of pension to Edward Shiffett;
S. 1541. An act granting an increase of pension to Commodore P. Hall;
S. 1810. An act granting an increase of pension to George W. Thomas;
S. 1830. An act granting an increase of pension to Sarah E. Austin;
S. 1981. An act granting an increase of pension to Elizabeth V. Reynolds;
S. 1996. An act granting an increase of pension to William R. Williams;
S. 2009. An act granting a pension to Richard Dunn;
S. 2096. An act granting an increase of pension to John W. Millett;
S. 2117. An act granting an increase of pension to Philip L. Hiteshew;
S. 2212. An act granting an increase of pension to Charles N. Wood;
S. 2231. An act granting an increase of pension to Bessie M. Dickinson;
S. 2238. An act granting an increase of pension to William Strawn;
S. 2274. An act granting an increase of pension to Joseph J. Carson;
S. 2286. An act granting an increase of pension to James Thompson;
S. 2287. An act granting an increase of pension to Samuel J. Brainard;
S. 2310. An act granting an increase of pension to William Dar;
S. 2333. An act granting a pension to Benjamin F. Hall;
S. 2339. An act granting an increase of pension to Carolina Apfel;
S. 2492. An act granting an increase of pension to George G. Tuttle;
S. 2493. An act granting an increase of pension to Alfred Tichurst;
S. 2518. An act granting an increase of pension to Clarinda A. Spear;

S. 2574. An act granting an increase of pension to Nelson Purcell;
S. 2581. An act granting an increase of pension to Myron D. Hill;
S. 2848. An act granting an increase of pension to William H. Lewis;
S. 2850. An act granting an increase of pension to Sallie J. Calkins;
S. 2890. An act granting an increase of pension to Andrew C. Kemper;
S. 2915. An act granting a pension to Mary Williamson;
S. 2945. An act granting an increase of pension to Sallie M. Nuzum;
S. 2972. An act granting an increase of pension to Thomas Boyle;
S. 3001. An act granting an increase of pension to Adriauna Lowell;
S. 3076. An act granting a pension to Arthur W. Post;
S. 3100. An act granting an increase of pension to Howard Wiley;
S. 3232. An act granting an increase of pension to William O. Gould;
S. 3239. An act granting an increase of pension to George W. D. Buchanan;
S. 3246. An act to remove the charge of desertion from the name of Frederick W. Joslin;
S. 3286. An act granting an increase of pension to Charles D. Creed;
S. 3356. An act granting an increase of pension to Rebecca A. Teter;
S. 3357. An act granting an increase of pension to Welcom B. French;
S. 3390. An act granting a pension to Emily E. Cram;
S. 3453. An act granting an increase of pension to David Whitney;
S. 3482. An act granting an increase of pension to Alfred H. Le Fevre;
S. 3522. An act granting an increase of pension to Samuel J. Denison;
S. 3624. An act granting an increase of pension to Peter D. Moore;
S. 3755. An act granting an increase of pension to William H. Covert;
S. 3774. An act granting an increase of pension to John C. Felton;
S. 3906. An act granting an increase of pension to James H. Vender;
S. 3935. An act granting an increase of pension to Mary Cornelia Hays Ross;
S. 4002. An act granting an increase of pension to Susan E. Armitage;
S. 4038. An act granting an increase of pension to George E. Yingling;
S. 4070. An act granting an increase of pension to Andrew Fellentretter;
S. 4103. An act granting an increase of pension to John W. Roullett;
S. 4151. An act granting an increase of pension to Thomas J. Spencer;
S. 4199. An act granting a pension to William Rufus Kelly;
S. 4221. An act granting an increase of pension to Henry C. Stroman;
S. 4273. An act granting an increase of pension to Frazie A. Campbell;
S. 4382. An act granting an increase of pension to John B. Harvey;
S. 4383. An act granting an increase of pension to Mary E. Penna;
S. 4393. An act granting an increase of pension to Cora A. Baker;
S. 4395. An act granting an increase of pension to Thomas H. Walker;
S. 4408. An act granting an increase of pension to Robert N. Button;
S. 4477. An act granting an increase of pension to John C. Craven;
S. 4766. An act granting an increase of pension to Frederick Clark;
S. 4767. An act granting an increase of pension to Henry Snidemiller;
S. 4808. An act granting an increase of pension to John Worley;
S. 4986. An act granting an increase of pension to Philo S. Bartow;

S. 5120. An act granting an increase of pension to William H. Chamberlin;
 S. 5129. An act granting an increase of pension to Thompson Martin;
 S. 5190. An act granting an increase of pension to William Berry;
 S. 5206. An act granting an increase of pension to Lucy Jane Ball;
 S. 5214. An act granting an increase of pension to William P. Renfro;
 S. 5271. An act granting an increase of pension to Paul Diebitsch;
 S. 5297. An act granting an increase of pension to Jerry L. Gray;
 S. 5339. An act granting an increase of pension to Sidney B. Hamilton;
 S. 5345. An act granting an increase of pension to Thomas Coughlin;
 S. 5346. An act granting an increase of pension to Amon A. Webster;
 S. 5358. An act granting an increase of pension to Thomas Taylor;
 S. 5378. An act granting an increase of pension to John H. Ash;
 S. 5379. An act granting an increase of pension to Bird Solomon;
 S. 5427. An act granting an increase of pension to Ruhema C. Horsman;
 S. 5428. An act granting an increase of pension to Joseph J. Hedrick;
 S. 5445. An act granting an increase of pension to Caroline L. Guld;
 S. 5450. An act granting an increase of pension to George R. Lingenfelter;
 S. 5472. An act granting an increase of pension to Mary J. Weems;
 S. 5476. An act granting an increase of pension to Joel F. Howe;
 S. 5496. An act granting an increase of pension to Jesse L. Sanders;
 S. 5501. An act granting an increase of pension to Sarah A. Rowe;
 S. 5508. An act granting a pension to Abraham B. Miller;
 S. 5512. An act granting an increase of pension to John W. Carleton;
 S. 5514. An act granting an increase of pension to Samuel S. Lamson;
 S. 5530. An act granting a pension to William R. Cahoon;
 S. 5531. An act granting an increase of pension to Catherine Jones;
 S. 5532. An act granting an increase of pension to Edwin A. Knight;
 S. 5535. An act granting an increase of pension to Alexander McConneha;
 S. 5558. An act granting an increase of pension to Susan C. Schroeder;
 S. 5572. An act granting an increase of pension to Alafair Chastain;
 S. 5574. An act granting an increase of pension to Colon Thomas;
 S. 5589. An act granting an increase of pension to Mary E. Burrell;
 S. 5661. An act granting an increase of pension to Daniel B. Bush;
 S. 5713. An act granting an increase of pension to Robert Crowther;
 S. 5714. An act granting an increase of pension to John McKenne;
 S. 5715. An act granting an increase of pension to Benjamin Bickford;
 S. 5716. An act granting an increase of pension to Datha J. Whipple;
 S. 5733. An act granting an increase of pension to Monroe W. Wright;
 S. 5734. An act granting an increase of pension to George H. Woodbury;
 S. 5735. An act granting an increase of pension to Washington Lenhart;
 S. 5736. An act granting an increase of pension to Charles E. Gilbert;
 S. 5738. An act granting an increase of pension to Enoch Russell;
 S. 5740. An act granting an increase of pension to Clemon Clooten;

S. 5741. An act granting an increase of pension to Stephen Welch;
 S. 5742. An act granting an increase of pension to Nickles Dockendorf;
 S. 5743. An act granting an increase of pension to James Riordan;
 S. 5744. An act granting an increase of pension to Joseph A. Rhodes;
 S. 5745. An act granting an increase of pension to Mary M. Mitchell;
 S. 5746. An act granting an increase of pension to Anne Jones;
 S. 5758. An act granting an increase of pension to Sallie B. Weber;
 S. 5781. An act granting an increase of pension to John A. Steele;
 S. 5807. An act granting an increase of pension to Sarah J. F. Robinson;
 S. 5810. An act granting an increase of pension to Joseph Reber;
 S. 5811. An act granting an increase of pension to Franklin Waller;
 S. 5857. An act granting an increase of pension to James Bryson;
 S. 5858. An act granting an increase of pension to John Hubbard; and
 S. 5859. An act granting an increase of pension to Henry Breslin.
 The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:
 H. R. 132. An act granting an increase of pension to James P. Griffith;
 H. R. 606. An act granting an increase of pension to Vincent M. Cartwright;
 H. R. 659. An act correcting the record of Harris Graffen;
 H. R. 666. An act granting an increase of pension to Eva M. Kingsbury;
 H. R. 723. An act granting an increase of pension to Thomas Smart.
 H. R. 963. An act granting an increase of pension to Ava D. Benjamin;
 H. R. 968. An act granting an increase of pension to Charles W. Young;
 H. R. 1324. An act granting an increase of pension to Thomas Skidmore;
 H. R. 1445. An act granting an increase of pension to John Ellis;
 H. R. 1491. An act granting an increase of pension to Martin L. Pemberton;
 H. R. 1573. An act granting an increase of pension to Cyrus Hurd;
 H. R. 2046. An act granting an increase of pension to Peter W. Kreeger;
 H. R. 2191. An act granting an increase of pension to William C. Pollard;
 H. R. 2469. An act granting an increase of pension to William Stone;
 H. R. 2476. An act granting an increase of pension to Sampson T. Grove;
 H. R. 2781. An act granting an increase of pension to Altamira Parsons;
 H. R. 2946. An act granting an increase of pension to Albert Webb;
 H. R. 3002. An act granting an increase of pension to Samuel Tillinghast;
 H. R. 3286. An act granting an increase of pension to Jacob E. French;
 H. R. 3373. An act granting an increase of pension to Jacob Cochran;
 H. R. 3426. An act granting a pension to George W. Craig;
 H. R. 3427. An act granting an increase of pension to Albert Fetterhof;
 H. R. 3710. An act granting an increase of pension to Thomas C. Johnson;
 H. R. 3799. An act granting a pension to Emma Cortright;
 H. R. 4169. An act granting an increase of pension to Thomas J. Brooks;
 H. R. 4194. An act granting a pension to Elizabeth Neilan;
 H. R. 4322. An act granting an increase of pension to Francis M. Hay;
 H. R. 4552. An act granting an increase of pension to Orin P. Stoffer;

- H. R. 4595. An act granting an increase of pension to Charles D. Fortney;
H. R. 4676. An act granting an increase of pension to James B. Judson;
H. R. 4873. An act granting an increase of pension to John McKenzie;
H. R. 4900. An act granting an increase of pension to Sarah Hodgson;
H. R. 4942. An act granting an increase of pension to Adam Hand;
H. R. 5052. An act granting an honorable discharge to Eugene H. Ely;
H. R. 5123. An act granting a pension to Maria Eldred, formerly Maria Olmstead;
H. R. 5153. An act granting an increase of pension to Jonathan Stewart;
H. R. 5243. An act granting an increase of pension to Hiram Qualk;
H. R. 5286. An act granting an increase of pension to Obadiah J. Merrill;
H. R. 5383. An act granting an increase of pension to Samuel Shafer;
H. R. 5821. An act granting a pension to Mary A. Johns;
H. R. 5822. An act granting an increase of pension to Eveline V. Ferguson;
H. R. 5884. An act granting an increase of pension to Samuel K. White;
H. R. 5951. An act granting an increase of pension to Joseph M. White;
H. R. 5995. An act granting an increase of pension to Joseph Fulton;
H. R. 6310. An act granting an increase of pension to Robert Clark;
H. R. 6507. An act granting an increase of pension to James J. Champlin;
H. R. 6702. An act granting an increase of pension to James Slater;
H. R. 6957. An act granting an increase of pension to Alexander C. Bowen;
H. R. 7000. An act granting an increase of pension to John White;
H. R. 7014. An act granting an increase of pension to James J. Boyd;
H. R. 7074. An act granting an increase of pension to Jesse Sims;
H. R. 7097. An act granting an increase of pension to John White;
H. R. 7252. An act granting a pension to James M. Garrett;
H. R. 7350. An act granting an increase of pension to John C. Besier;
H. R. 7378. An act granting an increase of pension to Israel Purdy;
H. R. 7607. An act granting a pension to John W. Nye;
H. R. 7760. An act granting a pension to Sarah A. Pierce;
H. R. 7987. An act granting an increase of pension to Francis Scott;
H. R. 8049. An act granting an increase of pension to John S. Parker;
H. R. 8077. An act granting an increase of pension to John McFarlane;
H. R. 8208. An act granting an increase of pension to Burleigh C. D. Read;
H. R. 8395. An act granting an increase of pension to James Duffy;
H. R. 8423. An act granting a pension to Joseph Hepworth;
H. R. 8476. An act granting a pension to Rolan J. Southerland;
H. R. 8477. An act granting a pension to John W. Guest;
H. R. 8708. An act granting an increase of pension to David C. Posey;
H. R. 8834. An act granting an increase of pension to Joseph H. Richardson;
H. R. 8839. An act granting an increase of pension to Thomas M. Hicks;
H. R. 8859. An act granting an increase of pension to Charles J. Esty;
H. R. 9062. An act granting a pension to John Goodspeed;
H. R. 9065. An act granting an increase of pension to Albert Z. Norton;
H. R. 9140. An act granting an increase of pension to James L. Capp;
H. R. 9405. An act granting a pension to Andrew Long;
H. R. 9410. An act granting a pension to Rosa Miller;
H. R. 9550. An act granting an increase of pension to William Butler;
H. R. 9769. An act granting an increase of pension to Joseph Pershing;
H. R. 9774. An act granting an increase of pension to James M. Prince;
H. R. 9860. An act granting an increase of pension to Augustus Colvin;
H. R. 9906. An act granting an increase of pension to Thomas P. Dunn;
H. R. 10027. An act granting a pension to Green W. Hodge;
H. R. 10096. An act granting a pension to Louise E. Lavey;
H. R. 10181. An act granting an increase of pension to Andrew Hall;
H. R. 10342. An act granting an increase of pension to William W. Marple;
H. R. 10387. An act granting an increase of pension to Aaron C. Perry;
H. R. 10712. An act granting a pension to Henrietta Weidner;
H. R. 10948. An act granting an increase of pension to John N. Matthews;
H. R. 11018. An act granting an increase of pension to William B. Bruner;
H. R. 11055. An act granting an increase of pension to Winfield S. Russell;
H. R. 11312. An act granting an increase of pension to Malana W. Brant;
H. R. 11494. An act granting an increase of pension to Sarah Jane Grissom;
H. R. 11499. An act granting an increase of pension to Albert Jones;
H. R. 11613. An act granting an increase of pension to Alexander H. Sockman;
H. R. 11847. An act granting an increase of pension to James B. Croly;
H. R. 12007. An act granting an increase of pension to Henry R. K. Lockman;
H. R. 12090. An act granting an increase of pension to William R. Clark;
H. R. 12155. An act granting a pension to Nancy Hill;
H. R. 12171. An act granting an increase of pension to John Davis;
H. R. 12252. An act granting an increase of pension to James Baremore, alias James Baker;
H. R. 12255. An act granting an increase of pension to Benjamin F. Gudgey;
H. R. 12488. An act granting an increase of pension to George H. Coddington;
H. R. 12601. An act granting an increase of pension to Francis M. Prill;
H. R. 12660. An act granting an increase of pension to Margaret Russell;
H. R. 12795. An act granting an increase of pension to John L. Lee;
H. R. 12820. An act granting an increase of pension to Isabella Bryson;
H. R. 13007. An act granting an increase of pension to Frederick B. Schnebly;
H. R. 13082. An act granting an increase of pension to William E. Wheeler;
H. R. 13105. An act granting an increase of pension to William F. Gaut;
H. R. 13170. An act granting an increase of pension to Ruth M. Shepley, now Haskell;
H. R. 13260. An act granting an increase of pension to William Starks;
H. R. 13324. An act granting an increase of pension to John Kesler;
H. R. 13330. An act granting an increase of pension to Michael Kelly, alias Patrick Kelly;
H. R. 13332. An act granting a pension to Honora Sullivan;
H. R. 13377. An act granting an increase of pension to Albert R. Straub;
H. R. 13419. An act granting an increase of pension to George Weeks;
H. R. 13546. An act granting an increase of pension to Joel J. Addison;
H. R. 13547. An act granting an increase of pension to Lewis J. Parr;
H. R. 13620. An act granting an increase of pension to Silas W. Squires;
H. R. 13640. An act granting an increase of pension to Eugene Hepp;
H. R. 13756. An act granting a pension to Mary A. Shaw;

H. R. 13877. An act granting an increase of pension to Frederick Lilje;
 H. R. 13887. An act granting an increase of pension to Jacob Steffes;
 H. R. 13969. An act granting an increase of pension to Dora Smith;
 H. R. 14028. An act granting an increase of pension to Carrie E. Risley;
 H. R. 14140. An act granting an increase of pension to William Y. Clinton;
 H. R. 14219. An act granting an increase of pension to Earl J. Lamson;
 H. R. 14406. An act granting a pension to Paul W. Thomson;
 H. R. 14444. An act granting an increase of pension to William A. Stovall;
 H. R. 14485. An act granting a pension to Charlotte M. Wylie;
 H. R. 14489. An act granting an increase of pension to John M. Porter;
 H. R. 14495. An act granting an increase of pension to Jackson Adams;
 H. R. 14560. An act granting an increase of pension to Asbury W. Hamilton;
 H. R. 14600. An act granting an increase of pension to Joseph Woods;
 H. R. 14626. An act to quiet titles to land in the city of Mobile, State of Alabama;
 H. R. 14635. An act granting an increase of pension to Alexander Moore;
 H. R. 14680. An act granting an increase of pension to Monroe Chapin;
 H. R. 14695. An act granting an increase of pension to Francis D. Lewis;
 H. R. 14710. An act authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law;
 H. R. 14798. An act granting an increase of pension to Lucern Allen;
 H. R. 14908. An act granting an increase of pension to Henry Leib;
 H. R. 15004. An act granting an increase of pension to William N. Meacham;
 H. R. 15019. An act granting an increase of pension to John H. Elston;
 H. R. 15030. An act granting an increase of pension to David Rothschild;
 H. R. 15079. An act granting an increase of pension to Constantine J. McLaughlin;
 H. R. 15097. An act granting a pension to William H. Miller;
 H. R. 15169. An act granting an increase of pension to Loretta V. Biggs;
 H. R. 15197. An act granting an increase of pension to Calvin C. Griffith;
 H. R. 15239. An act granting a pension to Isabella Burke;
 H. R. 15240. An act granting an increase of pension to James C. Baker;
 H. R. 15286. An act legalizing a certain ordinance of the city of Purcell, Ind. T.;
 H. R. 15308. An act granting an increase of pension to Francis M. Prewett;
 H. R. 15324. An act granting an increase of pension to Joseph W. Winger;
 H. R. 15328. An act granting a pension to William H. H. Simpkins;
 H. R. 15344. An act granting an increase of pension to William B. Atwater;
 H. R. 15406. An act granting an increase of pension to George W. Carpenter;
 H. R. 15411. An act granting an increase of pension to Isaiah Garretson;
 H. R. 15415. An act granting an increase of pension to Jonas H. Upton;
 H. R. 15431. An act granting an increase of pension to Andrew Pinney;
 H. R. 15466. An act granting an increase of pension to Isaac B. Snively;
 H. R. 15489. An act granting an increase of pension to Oliver H. Martin;
 H. R. 15491. An act granting a pension to Theresa M. Kennedy;
 H. R. 15497. An act granting an increase of pension to Patrick H. Oliver;
 H. R. 15504. An act granting an increase of pension to Ellen Tulite;

H. R. 15520. An act granting an increase of pension to William P. Dunnington;
 H. R. 15535. An act granting a pension to John Crotty;
 H. R. 15558. An act granting an increase of pension to Edwin R. Manson;
 H. R. 15575. An act granting an increase of pension to Jones Adler;
 H. R. 15578. An act to prevent the use of devices calculated to convey the impression that the United States Government certifies to the quality of gold or silver used in the arts;
 H. R. 15617. An act granting an increase of pension to Aaron S. Gatliff;
 H. R. 15631. An act granting an increase of pension to John Brooks;
 H. R. 15632. An act granting an increase of pension to Barney Carroll;
 H. R. 15633. An act granting an increase of pension to Henry King;
 H. R. 15637. An act granting an increase of pension to William A. Smith;
 H. R. 15639. An act granting a pension to Mollie Townsley;
 H. R. 15645. An act granting an increase of pension to Samuel B. Clark;
 H. R. 15657. An act granting an increase of pension to William Tawney;
 H. R. 15660. An act granting an increase of pension to Jacob R. Sharretts;
 H. R. 15669. An act granting an increase of pension to Matthew C. Danforth;
 H. R. 15685. An act granting an increase of pension to Elizabeth Krehbiel;
 H. R. 15710. An act granting an increase of pension to Luther W. Cannon;
 H. R. 15719. An act granting an increase of pension to Harriet N. Jones;
 H. R. 15722. An act granting an increase of pension to David Guthrie;
 H. R. 15728. An act granting an increase of pension to Waldron C. Townsend;
 H. R. 15729. An act granting an increase of pension to Phaon Hartman;
 H. R. 15730. An act granting an increase of pension to Benjamin F. Shireman;
 H. R. 15732. An act granting an increase of pension to Edwin O. Pierce;
 H. R. 15733. An act granting an increase of pension to Peter Horth;
 H. R. 15741. An act granting an increase of pension to John S. Duncan;
 H. R. 15746. An act granting an increase of pension to Israel Roll;
 H. R. 15747. An act granting an increase of pension to Henry A. Wesson;
 H. R. 15760. An act granting an increase of pension to John W. Strayer;
 H. R. 15768. An act granting an increase of pension to R. Howard Wallace;
 H. R. 15769. An act granting an increase of pension to Henry Peoples;
 H. R. 15775. An act granting an increase of pension to Daniel W. Smith;
 H. R. 15776. An act granting an increase of pension to Harrison Ball;
 H. R. 15781. An act granting an increase of pension to Granville F. Plummer;
 H. R. 15782. An act granting an increase of pension to Charles H. Warner;
 H. R. 15783. An act granting an increase of pension to Charles J. Richards;
 H. R. 15784. An act granting an increase of pension to Joseph Wingate;
 H. R. 15786. An act granting an increase of pension to Horatio W. Longa;
 H. R. 15835. An act granting an increase of pension to James M. Walker;
 H. R. 15848. An act granting an increase of pension to John Reninger;
 H. R. 15850. An act granting an increase of pension to Samuel Shadman;
 H. R. 15855. An act granting an increase of pension to Loren Austin;
 H. R. 15857. An act granting an increase of pension to David Galbraith;
 H. R. 15863. An act granting an increase of pension to Mark Wilde;

- H. R. 15864. An act granting a pension to Margaret Laparle;
 H. R. 15865. An act granting an increase of pension to William H. McClellan;
 H. R. 15866. An act granting an increase of pension to Benjamin F. Hopkins;
 H. R. 15869. An act granting an increase of pension to Benjamin H. Scrivens;
 H. R. 15871. An act granting an increase of pension to John Leonard;
 H. R. 15872. An act granting an increase of pension to Marvin Welton;
 H. R. 15886. An act granting an increase of pension to William S. Radcliffe;
 H. R. 15887. An act granting an increase of pension to George F. Ludwig;
 H. R. 15888. An act granting an increase of pension to James E. Andrews;
 H. R. 15892. An act granting an increase of pension to Martha F. Field;
 H. R. 15893. An act granting an increase of pension to James A. McClung;
 H. R. 15903. An act granting an increase of pension to George T. Barker;
 H. R. 15918. An act granting an increase of pension to Thomas Cullen;
 H. R. 15922. An act granting an increase of pension to William J. Cheney;
 H. R. 15924. An act granting an increase of pension to William Shadrick;
 H. R. 15927. An act granting an increase of pension to Freeman C. Witherby;
 H. R. 15929. An act granting an increase of pension to Anna E. Brown;
 H. R. 15930. An act granting an increase of pension to William H. Cray;
 H. R. 15941. An act granting an increase of pension to Israel V. Hoag;
 H. R. 15946. An act granting an increase of pension to Oliver Marcus Bump;
 H. R. 15947. An act granting an increase of pension to Philander S. Wright;
 H. R. 15954. An act granting an increase of pension to Ira D. McClary;
 H. R. 15962. An act granting an increase of pension to Charles T. Beals;
 H. R. 16053. An act granting an increase of pension to Florence Emery Blake;
 H. R. 16054. An act granting an increase of pension to Patrick O'Brien;
 H. R. 16077. An act granting an increase of pension to Andrew J. Clark;
 H. R. 16087. An act granting an increase of pension to Harriet H. Brady;
 H. R. 16104. An act granting an increase of pension to Thomas Lanning;
 H. R. 16108. An act granting an increase of pension to Andrew S. Ray;
 H. R. 16109. An act granting pension to Alice T. Groesbeck;
 H. R. 16121. An act granting an increase of pension to Edward Root;
 H. R. 16123. An act granting an increase of pension to William Smith;
 H. R. 16124. An act granting an increase of pension to John Morgan;
 H. R. 16125. An act granting an increase of pension to Eugene C. Moger;
 H. R. 16132. An act granting an increase of pension to Mary A. Seele;
 H. R. 16140. An act granting an increase of pension to Nelson A. Fitts;
 H. R. 16141. An act granting an increase of pension to John Parks;
 H. R. 16149. An act granting an increase of pension to Thomas J. Moore;
 H. R. 16157. An act granting an increase of pension to Charles W. Martin;
 H. R. 16162. An act granting an increase of pension to Charles Muller;
 H. R. 16165. An act granting an increase of pension to Francis L. Howard;
 H. R. 16166. An act granting an increase of pension to Charles P. Morrison;
 H. R. 16167. An act granting an increase of pension to Edward J. Dillon;
 H. R. 16171. An act granting an increase of pension to Sarah D. Tarver;
 H. R. 16172. An act granting an increase of pension to Georgia A. Warren;
 H. R. 16173. An act granting an increase of pension to Allen Riggs;
 H. R. 16175. An act granting an increase of pension to Merriek D. Frost;
 H. R. 16194. An act granting an increase of pension to James Gwyn;
 H. R. 16199. An act granting an increase of pension to Joseph McGuckian;
 H. R. 16226. An act granting an increase of pension to William W. Smith;
 H. R. 16234. An act granting an increase of pension to Benjamin H. Hartman;
 H. R. 16259. An act granting an increase of pension to John Walz;
 H. R. 16260. An act granting an increase of pension to Frederick Hark;
 H. R. 16263. An act granting an increase of pension to Lewellyn Niles;
 H. R. 16303. An act granting an increase of pension to Joseph W. Tyler;
 H. R. 16311. An act granting an increase of pension to Morris Del Downe;
 H. R. 16348. An act granting an increase of pension to John-son Anderson;
 H. R. 16385. An act granting an increase of pension to Edwin Vincent;
 H. R. 16386. An act granting an increase of pension to Bryan Dunbar;
 H. R. 16387. An act granting an increase of pension to Sarah F. Mathison;
 H. R. 16390. An act granting an increase of pension to Mortimer C. Briggs;
 H. R. 16392. An act granting an increase of pension to John Tusing;
 H. R. 16395. An act granting an increase of pension to Josephine A. Smith;
 H. R. 16396. An act granting a pension to Edwin A. Sherburn;
 H. R. 16409. An act granting a pension to Mary A. KendaN;
 H. R. 16420. An act granting an increase of pension to William C. Travis;
 H. R. 16424. An act granting an increase of pension to Charles M. Fay;
 H. R. 16426. An act granting an increase of pension to Alexander Jones;
 H. R. 16442. An act granting an increase of pension to Catherine E. Ray;
 H. R. 16443. An act granting an increase of pension to Johanna J. Naughton;
 H. R. 16444. An act granting an increase of pension to Henry C. Snyder;
 H. R. 16455. An act granting an increase of pension to Elizabeth M. Ketcham;
 H. R. 16471. An act granting a pension to Martha C. Watkins;
 H. R. 16480. An act granting an increase of pension to Preston Glover;
 H. R. 16481. An act granting an increase of pension to Frederick M. Halbritter;
 H. R. 16483. An act granting an increase of pension to James H. Silcott;
 H. R. 16499. An act granting an increase of pension to Green Yelser;
 H. R. 16502. An act granting an increase of pension to Henry Rader;
 H. R. 16503. An act granting an increase of pension to Dillion Asher;
 H. R. 16506. An act granting an increase of pension to Samuel B. Gray;
 H. R. 16525. An act granting an increase of pension to Henry A. Glenn;
 H. R. 16526. An act granting an increase of pension to John H. Caton;
 H. R. 16544. An act granting an increase of pension to Varner G. Root;
 H. R. 16560. An act to authorize the registration of trademarks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same;
 H. R. 16578. An act granting an increase of pension to Caroline Vifquain;

H. R. 16579. An act granting an increase of pension to Isaac Vanatta;
 H. R. 16594. An act granting an increase of pension to Jacob A. Kryer;
 H. R. 16598. An act granting an increase of pension to John Bryan;
 H. R. 16603. An act granting an increase of pension to George S. Williams;
 H. R. 16617. An act granting an increase of pension to Jacob Bowers;
 H. R. 16618. An act granting an increase of pension to Alfred N. Brown;
 H. R. 16619. An act granting an increase of pension to George Meisner;
 H. R. 16620. An act granting an increase of pension to Alonzo Ackerman;
 H. R. 16666. An act granting an increase of pension to Alfreda B. Coburn;
 H. R. 16668. An act granting an increase of pension to Emile H. Brie, alias Ameda Brea;
 H. R. 16683. An act granting a pension to Jesse Peters;
 H. R. 16704. An act granting an increase of pension to Michael Lewis;
 H. R. 16713. An act granting a pension to William Cannon;
 H. R. 16715. An act granting a pension to Helen Calvert;
 H. R. 16730. An act granting an increase of pension to Daniel Smith;
 H. R. 16748. An act granting a pension to Frona J. Wooten;
 H. R. 16807. An act granting an increase of pension to Elmer C. Jordan;
 H. R. 16809. An act granting an increase of pension to Patrick Cotter;
 H. R. 16813. An act granting an increase of pension to Laura A. Hinkley;
 H. R. 16842. An act granting an increase of pension to Lydia P. Kelly;
 H. R. 16894. An act granting an increase of pension to Jeremiah Connor, alias James Boone;
 H. R. 16896. An act granting an increase of pension to Thomas Reynolds;
 H. R. 16904. An act granting a pension to Louis Sherard;
 H. R. 16945. An act granting an increase of pension to Alvin B. Franklin;
 H. R. 16953. An act granting an increase of pension to John Ryan;
 H. R. 16962. An act granting an increase of pension to James J. Creigh;
 H. R. 17093. An act granting an increase of pension to Felix Monaghan;
 H. R. 17100. An act to authorize the construction of a bridge across Sunflower River, in Sharkey County, Miss.;
 H. R. 17139. An act granting an increase of pension to George W. Jennings;
 H. R. 17162. An act granting an increase of pension to Thomas Dukes;
 H. R. 17241. An act granting an increase of pension to David A. Miller; and
 H. R. 17345. An act to exclude from the Yosemite National Park, Cal., certain lands therein described and to attach and include the said lands in the Sierra Forest Reserve.

The foregoing House pension bills were subsequently read twice by their titles, and referred to the Committee on Pensions.

The message also announced that the House had passed, with amendments, the following bills; in which it requested the concurrence of the Senate:

S. 4169. An act granting a pension to Galena Jouett; and
 S. 5739. An act granting an increase of pension to Adolphe Bessie.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 5889. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River;

S. 6261. An act permitting the building of a railroad bridge across the Mississippi River at the city of Minneapolis, State of Minnesota, from a point on lot 2 to a point on lot 7, all in section 3, township 29 north, range 24 west, of the fourth principal meridian; and

H. R. 15320. An act to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented the petitions of Nelson K. Todd and 24 other citizens of Bluffton, L. F. Sprague and 12 other citizens of Hartford City, Elbert S. Guffin and 11 other citizens of Elwood, Walter C. Gaunt and 20 other citizens of Portland, George H. Koons and 75 other citizens of Muncie, James A. May and 7 other citizens of Alexandria, and John W. Macy and 22 other citizens of Winchester, all in the State of Indiana, praying for the enactment of legislation providing for the holding of terms of the Federal courts at Muncie, Ind.; which were referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Bloomington, Centralia, Monmouth, and Rockford, all in the State of Illinois, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Mattoon, Springfield, and Savanna; of Rock Island Division, No. 106, Order of Railway Conductors, of Moline; of Local Division No. 79, Order of Railway Conductors, of Peoria; of Bluff City Lodge No. 481, Brotherhood of Railroad Trainmen, of Upper Alton, and of Viola Lodge, No. 350, Brotherhood of Locomotive Firemen, of Mattoon, all in the State of Illinois, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Illinois, remonstrating against the enactment of legislation providing for the admission into the Union as one State of Oklahoma and the Indian Territory; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Illinois, praying for the enactment of legislation providing for the reorganization of the consular service; which was referred to the Committee on Foreign Relations.

Mr. ANKENY presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the insertion of a clause in the naval appropriation bill providing for a 4 per cent differential in favor of Pacific coast shipbuilders; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Olympia, Wash., praying that an appropriation be made for the improvement of the harbor of Olympia, in that State; which was referred to the Committee on Commerce.

Mr. CLARK of Wyoming presented the petition of J. W. Bryan and 82 other citizens of Poteau, Ind. T., and the petition of Lite Hopkins and 88 other citizens of Wetumka, Ind. T., praying for the enactment of legislation providing for continued prohibition in that Territory according to the recent agreements with the Five Civilized Tribes; which were ordered to lie on the table.

Mr. NELSON presented a petition of Duluth Branch No. 3, Lake Superior Retail Meat Dealers' Association, of Duluth, Minn., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. DRYDEN presented a petition of the congregation of St. John's Protestant Episcopal Church, of Montclair, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Receivers and Shippers' Association of Cincinnati, Ohio, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Collingswood, N. J., and a memorial of the Woman's Christian Temperance Union of Sergeantsville, N. J., remonstrating against the repeal of the present anticean law; which were referred to the Committee on Military Affairs.

Mr. BERRY presented petitions of sundry citizens of Batesville, Ark., praying that an appropriation be made for the continued improvement of upper White River, in that State; which were referred to the Committee on Commerce.

Mr. SPOONER presented a petition of the Woman's Christian Temperance Union of Whitewater, Wis., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Whitewater, Wis., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

Mr. BURROWS presented the memorials of M. J. Frankland and 98 other citizens, of Benjamin Young and 158 other citizens,

of James Long, jr., and 56 other citizens, of S. McDowell and 84 other citizens, of S. D. Chase and 43 other citizens, and of B. S. Rives and 195 other citizens, all in the State of Utah, remonstrating against the practice of polygamy in that State; which were referred to the Committee on Privileges and Elections.

Mr. CLARK of Montana presented a petition of the Butte Central Labor Council, of Butte, Mont., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Woman's Christian Temperance Union of Butte, Mont., remonstrating against the repeal of the present anticanon law; which was referred to the Committee on Military Affairs.

Mr. LODGE. I present a petition of the Boston Association of Ministers, praying for the ratification of the pending treaty with Great Britain. The petition is very brief and I ask that it be printed in the RECORD. The treaty has been made public by the order of the Senate.

There being no objection, the petition was ordered to lie on the table, and to be printed in the RECORD, as follows:

To the Senate of the United States:

At a regular meeting of the Boston Association of Ministers, composed of the pastors of Unitarian churches in this city and vicinity, held January 9, 1905, we were instructed by a unanimous vote to represent to your honorable body the earnest desire of said association, and, as we believe, of all our congregations, for the ratification of the pending treaty with Great Britain which provides for the amicable settlement by arbitration of such differences as can not be adjusted by diplomacy, believing this to be a wise and humane public policy for both parties and an important step in the progress of true civilization.

CHAS. GORDON AMES, *Moderator.*
HENRY T. SECRIST, *Scribe.*

BOSTON, MASS., January 11, 1905.

Mr. BURNHAM presented petitions of the congregation of the Methodist Episcopal Church of Keene, the Woman's Christian Temperance Union of Epping, and the congregation of the Baptist Church of Milford, all in the State of New Hampshire, praying for the enactment of legislation prohibiting the sale of intoxicating liquors in Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Manchester, N. H., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in all Government buildings, grounds, and ships; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of Mrs. Rose M. Tarbox, of Epping, N. H., and the petition of Mrs. E. H. Pearson, of Epping, N. H., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. McCOMAS presented a petition of sundry citizens of Baltimore, Md., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL presented a petition of Two Rivers Division, No. 151, Order of Railway Conductors, of Monett, Mo., and a petition of Eldon Lodge, No. 641, Brotherhood of Locomotive Firemen, of Eldon, Mo., praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented a petition of the National League of Commission Merchants, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 16567) to authorize The Decatur Transportation and Manufacturing Company, a corporation, to construct, maintain, and operate a bridge across the Tennessee River at or near the city of Decatur, Ala.; and

A bill (H. R. 16720) permitting the building of a railroad bridge across the Red River of the North from a point on section 6, township 154 north, range 50 west, Marshall County, Minn., to a point on section 36, township 155 north, range 51 west, Walsh County, N. Dak.

Mr. GIBSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6115) granting an increase of pension to Edmund B. Kanada;

A bill (S. 139) granting an increase of pension to Solomon Knight; and

A bill (S. 2538) granting an increase of pension to Samuel A. Thomas.

Mr. ALGER, from the Committee on Pensions, to whom were

referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13241) granting an increase of pension to David Deardourff;

A bill (H. R. 5997) granting an increase of pension to James Hammonds;

A bill (H. R. 4627) granting a pension to Annie Young;

A bill (H. R. 6354) granting an increase of pension to George M. Simmons;

A bill (H. R. 14919) granting a pension to Kearney May;

A bill (H. R. 9939) granting an increase of pension to Martha Higgins;

A bill (H. R. 15190) granting an increase of pension to James M. Paul; and

A bill (H. R. 15686) granting an increase of pension to Anna A. Dunn.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4214) granting an increase of pension to Ella M. Roberts;

A bill (S. 5323) granting an increase of pension to William Geyser;

A bill (S. 6224) granting an increase of pension to Anna M. Benny; and

A bill (S. 2895) granting a pension to Benjamin F. Cory.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6087) granting an increase of pension to Salmon S. Matthews;

A bill (S. 5072) granting an increase of pension to S. A. McNeil;

A bill (S. 3467) granting an increase of pension to Emory A. Wood; and

A bill (S. 4215) granting an increase of pension to Henry Berkstresser.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6174) granting an increase of pension to Chittle Chittleson;

A bill (S. 2731) granting an increase of pension to John R. McCullough;

A bill (S. 2977) granting an increase of pension to Andrew J. Larrabee;

A bill (S. 5157) granting an increase of pension to Cellina H. Stephens;

A bill (S. 5669) granting an increase of pension to Alexander Hay;

A bill (S. 5999) granting an increase of pension to William H. White; and

A bill (S. 5391) granting an increase of pension to Lucretia Johnson.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5392) granting an increase of pension to William W. Willis;

A bill (S. 3660) granting an increase of pension to Mary Oakley;

A bill (S. 5463) granting an increase of pension to John M. C. Sowers;

A bill (S. 3392) granting an increase of pension to Cyrus N. Bradley;

A bill (S. 3841) granting an increase of pension to John M. Bigger;

A bill (S. 4128) granting an increase of pension to Peter Kaufman;

A bill (S. 459) granting an increase of pension to William H. Trevillian;

A bill (S. 5651) granting a pension to Georgianna Eubanks; and

A bill (S. 2240) granting an increase of pension to Samuel B. Mann.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1565) granting an increase of pension to S. N. Rockhold;

A bill (S. 4548) granting a pension to Betsy J. Northrup;

A bill (S. 5577) granting an increase of pension to La Fayette Smith;

A bill (S. 5539) granting an increase of pension to A. L. Mitchell;

A bill (S. 1562) granting an increase of pension to Riley W. Cavins; and

A bill (S. 2107) granting an increase of pension to A. R. McCurdy.

Mr. McCUMBER (for Mr. BALL), from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4775) granting a pension to Garetta L. Hodgkiss;

A bill (S. 4673) granting an increase of pension to Rosette E. S. Grow; and

A bill (S. 41) granting an increase of pension to Sarah E. Gillette.

Mr. McCUMBER (for Mr. BALL), from the Committee on Pensions, to whom was referred the bill (S. 4675) granting a pension to Angeline B. Whitney, reported it with an amendment, and submitted a report thereon.

He also (for Mr. BALL), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13658) granting a pension to Henry Smith; and

A bill (H. R. 8917) granting an increase of pension to Michael Marx.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15244) granting an increase of pension to Rebecca V. Mackenzie;

A bill (H. R. 14936) granting an increase of pension to James T. Wolverton;

A bill (H. R. 3831) granting an increase of pension to John W. Hartley; and

A bill (S. 6155) granting an increase of pension to Matthew F. Locke.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (S. 4025) granting a pension to Mary E. Chamberlain, reported it with an amendment, and submitted a report thereon.

He also (for Mr. SCOTT), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11090) granting an increase of pension to Joseph Reese;

A bill (H. R. 130) granting an increase of pension to Washington I. Cook;

A bill (H. R. 4242) granting an increase of pension to Annie M. Wallace;

A bill (H. R. 11492) granting an increase of pension to Samuel B. Barley; and

A bill (H. R. 12818) granting a pension to Nichols M. Brockway.

Mr. McCUMBER (for Mr. SCOTT), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6218) granting an increase of pension to Adam E. King;

A bill (S. 4850) granting an increase of pension to Sarah V. Matlack;

A bill (S. 2193) granting a pension to William Penn Mack;

A bill (S. 3731) granting an increase of pension to Arthur F. McNally; and

A bill (S. 6029) granting a pension to Ursula Bayard.

Mr. McCUMBER (for Mr. SCOTT), from the Committee on Pensions, to whom was referred the bill (S. 4749) granting a pension to Martha J. Patterson, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12254) granting an increase of pension to Matthew H. Bevan;

A bill (H. R. 15762) granting an increase of pension to James L. Olmsted;

A bill (H. R. 14662) granting an increase of pension to Aaron Fanshaw;

A bill (H. R. 1901) granting an increase of pension to Warren F. Barnes;

A bill (H. R. 11015) granting an increase of pension to Joseph Wardle;

A bill (H. R. 1286) granting an increase of pension to John Brasch;

A bill (H. R. 2993) granting an increase of pension to Lewis Townsend;

A bill (H. R. 14889) granting an increase of pension to Alfred W. Dearborn;

A bill (H. R. 11016) granting an increase of pension to Samuel P. Short;

A bill (H. R. 9696) granting an increase of pension to Henry S. Austin;

A bill (H. R. 9621) granting an increase of pension to William Lance;

A bill (H. R. 14799) granting an increase of pension to Napoleon B. Wing; and

A bill (H. R. 10360) granting an increase of pension to Mary Flynn.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom were referred the following bills, to report them adversely on the ground that the claimants thereunder have died since the bills passed the House:

A bill (H. R. 15102) granting an increase of pension to Charles Bergman; and

A bill (H. R. 14887) granting an increase of pension to William P. Davis.

The PRESIDENT pro tempore. The bills will be indefinitely postponed.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 11324) granting an increase of pension to Charles Alfred De Arnaud, to submit an adverse report thereon upon the grounds set forth in the report. I ask that the bill be indefinitely postponed.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6134) granting a pension to Mary Elizabeth McClaren;

A bill (S. 5865) granting an increase of pension to Foster W. Gassett;

A bill (S. 3934) granting a pension to Susan E. Bellows; and

A bill (S. 3194) granting an increase of pension to Stephen Gilbert.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4492) restoring the name of Joseph Kelly, late of Troop I, Second United States Cavalry, to the pension roll;

A bill (S. 173) granting an increase of pension to John G. Haskell;

A bill (S. 6414) granting an increase of pension to John Kief;

A bill (S. 3389) granting an increase of pension to Joel V. Carpenter; and

A bill (S. 5240) granting an increase of pension to Hugh R. Barnard.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4927) granting an increase of pension to Eugene P. Tewksbury;

A bill (H. R. 9552) granting an increase of pension to Peter Williams;

A bill (H. R. 9553) granting an increase of pension to Hattie L. Rich; and

A bill (H. R. 13910) granting a pension to Henry E. Wright.

Mr. GAMBLE, from the Committee on the District of Columbia, to whom was referred the bill (S. 2652) in relation to bonds on contracts with the District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PLATT of Connecticut, from the Committee on the Judiciary, to whom was referred the bill (S. 5768) to provide for an additional judge of the district court of the United States for the district of New Jersey, reported it without amendment.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 6021) to recognize the gallant conduct and meritorious services of Francis M. Charles as a volunteer in the war of the rebellion, to submit an adverse report thereon. I ask that the bill be placed on the Calendar, and that the report be printed.

The PRESIDENT pro tempore. The bill will be placed on the Calendar with the adverse report of the committee, which will be printed under the rule.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (H. R. 10680) granting an increase of pension to Samuel B. Coe, reported it without amendment, and submitted a report thereon.

WILLIAM D. WILSON.

Mr. COCKRELL. I move that the Committee on Pensions be discharged from further consideration of the bill (S. 109) granting an increase of pension to William D. Wilson, and that the bill be indefinitely postponed.

The motion was agreed to.

FAYETTE COUNTY, TEX., IN SOUTHERN JUDICIAL DISTRICT.

Mr. CULBERSON. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 16284) to transfer Fayette County from western to southern judicial district of Texas, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL CIRCUIT JUDGE.

Mr. PLATT of Connecticut. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 7299) for an additional circuit judge in the first judicial circuit.

Mr. LODGE. I ask that the bill may have present consideration.

The Secretary read the bill; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PLATT of New York introduced a bill (S. 6655) to amend sections 2165 and 2167 of the Revised Statutes of the United States, relative to naturalization; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. STEWART. I introduce three bills which have been prepared in the Interior Department. I ask their reference to the Committee on Indian Affairs.

The bills were severally read twice by their titles, and referred to the Committee on Indian Affairs, as follows:

A bill (S. 6656) to provide for final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes;

A bill (S. 6657) to create in the Department of the Interior a superintendent of Indian Territory affairs, to define his duties, and for other purposes; and

A bill (S. 6658) to provide for an equal division of the lands and moneys of the Osage tribe of Indians, and for other purposes.

Mr. McCOMAS introduced a bill (S. 6659) to place the name of William Nayden on the retired list of the Navy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Naval Affairs.

Mr. McCUMBER introduced a bill (S. 6660) granting an increase of pension to B. T. Martin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6661) granting a pension to Edwin R. Kennedy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON (for Mr. CLAPP) introduced a bill (S. 6662) granting an increase of pension to S. S. McKinley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6663) to amend section 905 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TELLER introduced a bill (S. 6664) granting an honorable discharge to Peter Fleming; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6665) granting an increase of pension to Charles Christy; and

A bill (S. 6666) granting an increase of pension to Christian Trostel.

Mr. MONEY introduced a bill (S. 6667) for the relief of Silas M. Catchings, administrator of the estate of Augustus Catchings, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CLARK of Montana introduced a bill (S. 6668) granting an increase of pension to Eleanor E. Keeler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAILEY (by request) introduced the following bills;

which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6669) for relief of J. B. Barry;

A bill (S. 6670) for the relief of the estate of John Ivey, deceased (with accompanying paper); and

A bill (S. 6671) for the relief of the estate of William H. Hugley, deceased (with accompanying paper).

Mr. BAILEY introduced a bill (S. 6672) to authorize the extension and enlargement of the post-office and court-house building in the city of Tyler, Tex.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McLAURIN introduced a bill (S. 6673) for the relief of Shiloh (Presbyterian) Church, near Kossuth, in Alcorn County, Miss.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6674) for the relief of the heirs of Jarred Reese Cook, deceased; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENT TO GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. NELSON submitted an amendment proposing to appropriate \$150 to pay C. E. Richardson for extra services for the Secretary of the Senate, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

LANDS ON MOBILE POINT, ALABAMA.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War is directed to send to the Senate a statement showing the title of the United States to the land on Mobile Point, on which Fort Morgan is situated, and the lands adjacent thereto, that are claimed to be the property of the United States; and a copy of any deeds or grants, or other title papers showing the chain of title to the United States for all said lands.

He will also send to the Senate a map of said lands, showing the amount claimed by the United States, in acres or square yards; and he will state the character of any proceedings now pending in any court to condemn any other lands on Mobile Point for the use of the United States, and the size and location of the parcels of lands so sought to be condemned.

THE MERCHANT MARINE.

Mr. GALLINGER. I am informed that the bill (S. 6291) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage is practically out of print, and there are very numerous calls for copies of it. I ask for a reprint of the bill.

The PRESIDENT pro tempore. The Chair hears no objection, and a reprint is ordered.

GREAT FALLS AND OLD DOMINION RAILROAD.

The PRESIDENT pro tempore. If there is no further morning business, the Calendar is in order under Rule VIII.

Mr. MARTIN. I move that the Senate proceed to the consideration of the bill (S. 2833) to authorize the extension, construction, and operation of the Great Falls and Old Dominion Railroad into the District of Columbia.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent for the present consideration of a bill, which will be read.

Mr. BURROWS. I object to the consideration of the bill.

Mr. MARTIN. I move that the Senate proceed to its consideration.

The PRESIDENT pro tempore. The Senator can not make that motion until 1 o'clock has been reached.

Mr. MARTIN. I will, then, when that hour arrives, seek an opportunity to renew the motion.

The PRESIDENT pro tempore. The Calendar is before the Senate.

ADULTERATION OR MISBRANDING FOODS OR DRUGS.

The bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes, was announced as first in order on the Calendar.

The PRESIDENT pro tempore. The bill has been heretofore read in full.

Mr. SPOONER. Has it been reached for action?

The PRESIDENT pro tempore. It is up for action.

Mr. GALLINGER. Under Rule VIII.

The PRESIDENT pro tempore. Under Rule VIII.

Mr. SPOONER. It is absolutely impossible to dispose of that bill this morning, and therefore I object to its consideration.

The PRESIDENT pro tempore. Objection being made, the bill goes over, retaining its place.

BRAKES ON NARROW-GAUGE RAILWAYS.

The bill (S. 4403) to amend "An act to promote the safety of employees and travelers upon railroads by compelling common

carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, as amended April 1, 1896, and March 2, 1903, was considered as in Committee of the Whole. It proposes to amend the provisions and requirements of the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes," approved March 2, 1893, as amended April 1, 1896, and March 2, 1903, so as to read as follows:

That upon the application of any common carrier operating a narrow-gauge railway the Interstate Commerce Commission may, after full hearing, relieve such common carrier from the duty of equipping its narrow-gauge locomotives with power driving-wheel brakes whenever, in the opinion of said Commission, the safety of employees and travelers on such narrow-gauge railway will be better promoted by the application of some other safety appliance capable of being used as a substitute for such power driving-wheel brake.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE T. HAMILTON.

The bill (S. 1353) for the relief of George T. Hamilton was announced as next in order.

Mr. SPOONER. I am constrained by a sense of public duty to object to the consideration of the bill.

The PRESIDENT pro tempore. Objection being made, the bill goes over, retaining its place.

PENSIONS FOR FAMILIES OF INDIAN POLICEMEN.

The bill (S. 3783) for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement, was announced as next in order.

The PRESIDENT pro tempore. This bill has been read in full, and it has heretofore been considered as in Committee of the Whole.

Mr. PLATT of Connecticut. That is the case which the Senator from Wisconsin [Mr. Spooner] asked some questions about, as to the age of the minor children who were to be pensioned, etc.

Mr. SPOONER. I wished to know whether Madams Bullhead, Shavehead, etc., are still widows and whether these sons are still minors. If they are not, I am opposed to the bill. I suggest that it go over without losing its place.

The PRESIDENT pro tempore. Objection being made, the bill goes over, retaining its place.

B. JACKMAN.

The bill (S. 3790) for the relief of B. Jackman was announced as next in order.

Mr. BURNHAM. The bill may be passed over, retaining its place on the Calendar.

The PRESIDENT pro tempore. It goes over, retaining its place.

JOSEPH A. JENNINGS.

The bill (S. 3067) for the relief of Joseph A. Jennings was announced as next in order.

Mr. SPOONER. This subject on a kindred bill was under debate the other day. The bill requires further discussion, and a yea-and-nay vote if it can be obtained. I object to its consideration.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

FISH-CULTURAL STATION IN RHODE ISLAND.

The bill (S. 130) to establish a fish-culture station in Narragansett Bay, in the State of Rhode Island, was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with amendments, in line 6, to strike out "fish-culture" and insert "fish-cultural;" in line 8, to strike out the words "in Narragansett Bay;" and in line 9, to strike out the words "United States Commissioner of Fish and Fisheries" and insert "Secretary of Commerce and Labor;" so as to make the bill read:

Be it enacted, etc., That the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a fish-cultural station, including purchase of site, construction of buildings and ponds, and equipment, at a point in the State of Rhode Island, to be selected by the Secretary of Commerce and Labor.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in the State of Rhode Island."

ESTATE OF WILLIAM A. HAMMOND.

The bill (S. 1665) to amend the act approved March 15, 1878, entitled "An act for the relief of William A. Hammond, late Surgeon-General of the Army," was announced as next in order.

Mr. DANIEL. I object to the consideration of the bill.

The PRESIDENT pro tempore. Objection being made, the bill goes over.

COMPENSATION OF CRIERS AND BAILIFFS.

The bill (S. 2207) to fix the compensation of criers and bailiffs in the United States courts was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, in line 6, to strike out the words "shall be \$3 a day instead of \$2 a day, as now provided by law," and insert "now fixed by law at \$2 a day, shall be \$3 a day;" so as to make the bill read:

Be it enacted, etc., That on and after the passage of this act the per diem pay of all persons employed in any court of the United States under section 715 of the Revised Statutes, now fixed by law at \$2 a day, shall be \$3 a day.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE CONSULAR SERVICE.

The bill (S. 4267) to grade the consular service was announced as next in order.

Mr. PLATT of Connecticut. I wish to call the attention of the Senator from Illinois [Mr. CULLOM], the chairman of the Committee on Foreign Relations, to this bill.

Mr. CULLOM. The bill was reported some time ago by the Senator from Massachusetts [Mr. LODGE]. It is the short consular bill.

Mr. PLATT of Connecticut. I shall not make any objection to its consideration.

Mr. CULLOM. I hope the bill will be passed as it is up for consideration. It was a compromise in the committee between this measure and a general bill. This bill was thought to be one that would not be objected to.

Mr. ALLISON. Let it be read.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill.

Mr. CULLOM. Mr. President, that bill has been reported to the Senate for some months, I think, but there are several members of the committee, as well as other Senators, who may have forgotten its provisions, who have requested that the bill may be laid over without prejudice. I therefore ask that it may be passed by for to-day.

Mr. HALE. Several Senators want to examine the bill. Why not let it go over?

Mr. CULLOM. That is the suggestion I have made, though the bill has been on the Calendar for a long time. I ask that it go over for the present, retaining its place.

The PRESIDENT pro tempore. In the absence of objection, that order will be made.

SARAH K. McLEAN.

The bill (S. 5053) for the relief of Sarah K. McLean was announced as next in order on the Calendar.

Mr. NELSON. Let that bill be passed over for the present, retaining its place on the Calendar.

The PRESIDENT pro tempore. That order will be made in the absence of objection.

APPRAISERS OF MERCHANDISE.

The bill (S. 4069) to provide for the performance, temporarily, of the duties of appraisers and assistant appraisers of merchandise was considered as in Committee of the Whole.

The bill had been reported from the Committee on Finance, with amendments. The first amendment was in section 1, page 1, line 6, after the word "designate," to insert "for a period not exceeding ninety days;" so as to make the section read:

That in case of a vacancy occurring, by reason of death or otherwise, in the office of appraiser or assistant appraiser of merchandise in any customs collection district the Secretary of the Treasury may designate, for a period not exceeding ninety days, some officer or employee within the district to perform the duties of the office, without additional compensation, until the vacancy shall have been filled.

The amendment was agreed to.

The next amendment was, in section 2, page 1, after the word

"designate," in line 13, to insert "for a period not exceeding ninety days;" so as to make the section read:

SEC. 2. That in case of the sickness, disability, or occasional and necessary absence from his office of an appraiser or an assistant appraiser of merchandise in any customs collection district the Secretary of the Treasury may designate for a period not exceeding ninety days, some officer or employee within the district to act as such appraiser or assistant appraiser, without additional compensation, during such absence: *Provided*, That in no case shall any person enter upon or discharge the duties of appraiser or assistant appraiser of merchandise until he shall have taken the oath required by law of such officer.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WESTERN ALASKA CONSTRUCTION COMPANY'S RAILROAD.

The bill (S. 5122) for the relief of the Western Alaska Construction Company's railroad was considered as in Committee of the Whole. It provides for the extension of the time of the Western Alaska Construction Company to comply with the provisions of sections 4 and 5 of chapter 299 of the laws of the United States entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, in acquiring and completing its railroad now under construction in Alaska.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORENCE LAMBERT.

The bill (S. 3401) for the relief of Florence Lambert was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 7, after the word "at," to strike out "Frankfort" and insert "Frankford," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Florence Lambert, who was permanently disabled while engaged in the employment of the United States Government at Frankford Arsenal, in the State of Pennsylvania, on or about September 3, 1898, the sum of \$2,500.

The amendment was agreed to.

Mr. PLATT of Connecticut. Let the report in that case be read, Mr. President.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The report will be read.

The Secretary read the following report, submitted by Mr. WARREN March 24, 1904:

The Committee on Claims, to whom was referred the bill (S. 3401) for the relief of Florence Lambert, who was permanently disabled while engaged in the employment of the United States Government at Frankford Arsenal, in the State of Pennsylvania, on or about September 3, 1898, have carefully considered the same and beg to report it back to the Senate favorably and to recommend its passage with the following amendment:

In line 7 strike out the word "Frankfort" and insert in lieu thereof the word "Frankford."

A similar bill in the sum of \$4,000 was favorably reported to the House of Representatives by the Committee on Claims of that body in the first session of the Fifty-seventh Congress, with an amendment making the sum \$2,500. (See H. Rept. No. 975, 57th Cong., 1st sess.) The bill which your committee hereby report carries the sum of \$2,500.

The facts in the case, briefly stated, are as follows:

Miss Florence Deem, who by marriage is now Mrs. Florence Lambert, was, prior to the 3d day of September, 1898, employed in the cartridge factory in Frankford Arsenal, Philadelphia, and was assigned to the duty of putting small army primers into the machine for inserting them into the pockets made for them in the cartridge cases. While she was thus engaged the primers exploded and Miss Deem was seriously injured. She was immediately taken to the hospital, where it was found necessary to amputate her right hand and part of her right forearm above the wrist. The left hand was badly burned, but it was not necessary to amputate it. Her left eye was so badly injured that she entirely lost its sight, and her face has been very much disfigured as a result of the explosion.

Miss Deem was performing her duty in loading primers in the same manner that it had been usually done, and no explosion of the kind had ever occurred, and it clearly appears that the explosion did not occur by reason of any carelessness on her part.

After the explosion occurred an investigation was made of its causes by the Ordnance Department of the Government, and all the officers who examined into the case recommend that she receive compensation in some form from the Government for the injuries she sustained.

Your committee submitted to the Secretary of War the bill under consideration, requesting that he furnish the committee with all papers, or copies of same, on file in his Department relating to this claim, with his opinion regarding its merits. The letter of the committee was returned, bearing the following indorsements and accompanied by copies of the correspondence hereinafter quoted:

UNITED STATES SENATE, COMMITTEE ON CLAIMS,
Washington, D. C., January 18, 1904.

SIR: Inclosed herewith I hand you copy of bill (S. 3401) for the relief of Florence Lambert, now pending before this committee.

Kindly cause to be forwarded, for the use of the committee, all

papers or copies of same on file in your Department relating to this claim, with your opinion as to its merits, and oblige,

Yours, very truly,

FRANCIS E. WARREN, *Chairman.*

The SECRETARY OF WAR,
Washington, D. C.

[First indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE,
Washington, January 22, 1904.

Respectfully referred to the commanding officer, Frankford Arsenal, for report.

The correspondence called for within was furnished to this office by him by second indorsement, dated February 26, 1902, on inclosure 7 of this file number, and was furnished to the Committee on Claims, House of Representatives, by the honorable the Secretary of War. It is now necessary to have the same correspondence to be furnished to the Committee on Claims, United States Senate.

This correspondence, if possible, should be furnished in duplicate.

By order of the Chief of Ordnance:

L. L. BRUFF,
Major, Ordnance Department, U. S. Army.
[Second indorsement.]

FRANKFORD ARSENAL, January 27, 1904.

Respectfully returned to the Chief of Ordnance, United States Army, with copies of correspondence on file at this arsenal relative to the case of Florence Lambert, née Deem, in duplicate.

FRANK HEATH,
Lieutenant-Colonel, Ordnance Department, U. S. Army, Commanding.

[Third indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE,
Washington, January 29, 1904.

Respectfully returned to the honorable the Secretary of War, inviting attention to the inclosed correspondence.

It seems that the injuries sustained by Florence Lambert, née Deem, are accurately described in the inclosed bill; that they were incurred without fault on her part while engaged upon duty for which she was employed by this Department, and the case appears to be one in which relief by the United States would be most properly afforded.

WILLIAM CROZIER,
Brigadier-General, Chief of Ordnance.
[Fourth indorsement.]

WAR DEPARTMENT, February 2, 1904.

Respectfully returned to the chairman Committee on Claims, United States Senate, inviting attention to the foregoing report of the Chief of Ordnance, United States Army, and to accompanying copies of correspondence therein referred to.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

FRANKFORD ARSENAL,
Philadelphia, Pa., September 6, 1898.

SIR: I have the honor to inform you that on Saturday, the 3d instant, about 5.15 p. m., as I was passing the machine shop, an explosion took place in the second story of the building near a machine for priming cartridge shells. Miss Florence Deem, an operative, was holding a primer plate in her left hand and rubbing in the primers into the perforations in the plate with her right hand, as has been done here without accident since exterior primed reloading cartridges were adopted for service until this accident occurred. The primers on the plate exploded, also those in the wire tray directly underneath, blowing off most of the operative's right hand and disfiguring her face probably for life, without, it is hoped, destroying her eyesight. She was taken to the post hospital and from thence to the Episcopal Hospital in Philadelphia, where what was left of her right hand was amputated above the wrist. The patient is doing well as far as heard from.

Very respectfully,

J. M. WHITTEMORE,
Colonel, Ordnance Department, U. S. Army, Commanding.
The CHIEF OF ORDNANCE, U. S. ARMY,
Washington, D. C.

FRANKFORD ARSENAL,
Philadelphia, Pa., September 7, 1898.

SIR: I have the honor to request that a recommendation be sent to the Congress of the United States when next in session urging that a pension of \$30 per month be granted to Miss Florence Deem, 254 North Tenth street, Philadelphia, Pa.

The circumstances of the case are as follows:

Miss Deem has been employed in the cartridge factory at this arsenal since May 2, 1898, at a salary of 90 cents per day. At the time of her employment she gave her age as 23 years.

Between 5 and 5.30 p. m., on Saturday, the 3d of September, 1898, Miss Deem was engaged in putting small-arm primers in a primer plate preparatory to transferring the primers to the machine used for inserting the primers into the pockets made for them in the cartridge cases.

As she was thus engaged the primers suddenly exploded, with the following disastrous result to Miss Deem, as reported to-day from the Episcopal Hospital, Philadelphia, whither she was taken as soon as possible after receiving the injury, viz: After receiving Miss Deem at the Episcopal Hospital it was found necessary to amputate her right hand and part of her right forearm above the wrist. The left hand is badly burnt, but no part of it will have to be amputated. The sight of the left eye has been partially destroyed; the right eye will probably be saved. In addition, Miss Deem will probably be disfigured for life, due to the injury to her face resulting from the explosion.

An explosion of primers in this manner has never before occurred at this arsenal, and it was not due to carelessness on the part of Miss Deem or on the part of others.

Miss Deem is dependent for support upon her own efforts, and the injuries quoted above will make it most difficult, if not impossible, for her to continue to support herself unaided in the future.

In requesting a pension of \$30 per month for Miss Deem the following facts are respectfully submitted, viz:

First. It is known to be customary, at least at one private cartridge factory, and presumably at them all, to pension for life such employees as are permanently disabled as a result of explosion or other accident occurring at the factory while the employees are at work therein.

Second. It is felt that Miss Deem, permanently disabled while en-

gaged in the manufacture of cartridges for the use of the soldiers of the United States, has received her injury in the service of her country as truly as any soldier wounded on the field of battle.

Very respectfully, your obedient servant.

J. M. WHITTEMORE,
Colonel, Ordnance Department, U. S. Army, Commanding.
The SECRETARY OF WAR,
Washington, D. C.

FRANKFORD ARSENAL,
Philadelphia, Pa., November 8, 1899.

DEAR MADAM: In reply to your request (verbal) you are informed that on September 7, 1898, I wrote a letter to the Secretary of War, through the Chief of Ordnance, recommending that you be granted a pension of \$30 per month.

I have this day written a second letter, inviting attention to the first one and renewing the recommendation contained therein.

Respectfully,

J. M. WHITTEMORE,
Colonel, Ordnance Department, U. S. Army, Commanding.
MISS FLORENCE DEEM,
1035 Vine street, Philadelphia.

FRANKFORD ARSENAL,
Philadelphia, Pa., November 8, 1899.

SIR: I have the honor to invite attention to my letter of September 7, 1898, to the Secretary of War, through the Chief of Ordnance. In this letter I recommend a pension of \$30 per month for Miss Florence Deem, an employee of this arsenal permanently disabled September 3, 1898, by the explosion of small-arm primers which she was handling in the course of her regular duties.

I was on the spot immediately after the explosion, and by careful examination at that time and investigation afterwards I can state that the explosion was not due to carelessness either on the part of Miss Deem or on the part of those in authority.

Miss Deem was at the arsenal yesterday. She has very recently left the hospital, where her left eye was removed three weeks ago. As the result of the explosion she has now lost her right hand and part of her right forearm and her left eye. She is dependent for support on her own efforts, and in her crippled condition it will be impossible for her to support herself unaided in the future.

As will be seen, Miss Deem's case is a needy one, and, in my opinion, the granting to her of the pension recommended would be an act of justice urgently demanded by the circumstances of the case.

Miss Deem's address at present is 1035 Vine street, Philadelphia, Pa.

Respectfully,

J. M. WHITTEMORE,
Colonel, Ordnance Department, U. S. Army, Commanding.
The CHIEF OF ORDNANCE, U. S. ARMY,
Washington, D. C.

[First indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE,
Washington, November 10, 1899.

Respectfully returned to the commanding officer, Frankford Arsenal. Your communications of September 6 and 7, 1898, are found on file in this office.

If Miss Deem could interest a Senator or Representative from Pennsylvania in her case so that a bill could be introduced in Congress appropriating a fixed sum of money for her relief, it would naturally be referred through the Secretary of War to this office, when all the facts in the case could be reported for the information of Congress.

There is no instance known to this office where Congress has granted a pension to any person in civil life for injuries sustained.

A. R. BUFFINGTON,
Brigadier-General, Chief of Ordnance.
[Second indorsement.]

FRANKFORD ARSENAL, PA., November 13, 1899.

Respectfully returned to the Chief of Ordnance, United States Army. Miss Deem has been informed of this and previous correspondence in her case, to the end that action indicated by first indorsement hereon may be taken by her.

J. M. WHITTEMORE,
Colonel, Ordnance Department, U. S. Army, Commanding.

FRANKFORD ARSENAL,
Philadelphia, Pa., November 13, 1899.

DEAR MADAM: I inclose herewith copies of two letters written to the Chief of Ordnance, recommending a pension for you of \$30 per month.

You will see by the indorsement on the latter letter that the Chief of Ordnance suggests your interesting a Senator or Representative in your case. Copies of the correspondence are sent to you for the purpose of complying with the suggestions of the Chief of Ordnance.

Respectfully,

J. M. WHITTEMORE,
Colonel, Ordnance Department, U. S. Army, Commanding.
MISS FLORENCE DEEM,
1035 Vine Street, Philadelphia, Pa.

Mr. PLATT of Connecticut. I think, Mr. President, that case had better go over until such time as we can consider it and have the vote of a full Senate upon it. It is a case where the record shows that there was no carelessness on the part of anybody—that it was a pure accident.

Mr. ALLISON. This is rather an exceptional case. I know something about it. I do not object to the Senator having the bill go over, for I would not want it disposed of without a further explanation than is found in the report. As I say, I have some knowledge of the case, and I believe that it is thoroughly meritorious and worthy.

Mr. PLATT of Connecticut. From a sympathetic standpoint there is no doubt about that.

Mr. ALLISON. From that standpoint and also from the standpoint of precedent.

The PRESIDING OFFICER. The bill will go over under the rule, without prejudice.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

H. R. 659. An act correcting the record of Harris Graffen; and

H. R. 5052. An act granting an honorable discharge to Eugene H. Ely.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 14626. An act to quiet titles to land in the city of Mobile, State of Alabama; and

H. R. 14710. An act authorizing the use of earth, stone, and timber on the public lands and forest reserves of the United States in the construction of works under the national irrigation law.

H. R. 15286. An act legalizing a certain ordinance of the city of Purcell, Ind. T., was read twice by its title, and referred to the Committee on Indian Affairs.

H. R. 15578. An act to prevent the use of devices calculated to convey the impression that the United States Government certifies to the quality of gold or silver used in the arts was read twice by its title, and referred to the Committee on Interstate Commerce.

H. R. 10560. An act to authorize the registration of trademarks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same, was read twice by its title, and referred to the Committee on Patents.

H. R. 17100. An act to authorize the construction of a bridge across Sunflower River, in Sharkey County, Miss., was read twice by its title, and referred to the Committee on Commerce.

H. R. 17345. An act to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve, was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15895) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1906, and for other purposes, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CULLOM. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. CULLOM, Mr. WARREN, and Mr. COCKRELL were appointed.

REPORT OF THE PHILIPPINE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Philippines, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the annual report of the Philippine Commission, together with the separate reports to the Commission of the civil governor of the islands and of the heads of the four departments.

I also inclose a letter from the Secretary of War, submitting the reports for my consideration.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 16, 1905.

GREAT FALLS AND OLD DOMINION RAILROAD.

Mr. MARTIN. I now move that the Senate proceed to the consideration of the bill (S. 2833) to authorize the extension, construction, and operation of the Great Falls and Old Dominion Railroad into the District of Columbia.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The question is on the motion of the Senator from Virginia to proceed to the consideration of the bill named by him. The bill will be read to the Senate for its information.

Mr. HALE. Mr. President, I will, either now or after it shall have been read, move to recommit the bill. Of course that is a motion which takes precedence.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

Mr. HALE. Let the bill be read and also the report accompanying it.

The PRESIDING OFFICER. The reading of the report ac-

companying the bill is also called for. The Secretary will first read the bill.

The Secretary read the bill (S. 2833) to authorize the extension, construction, and operation of the Great Falls and Old Dominion Railroad into the District of Columbia, which had been reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the Great Falls and Old Dominion Railroad Company, incorporated by the acts of the general assembly of the State of Virginia, shall be, and it is hereby, in addition to the trackage rights now vested in it by existing legislation, authorized to construct and extend into and within the District of Columbia a double-track electric railroad, using the underground system, over the following route: Beginning at the north end of the Aqueduct Bridge and running thence to and into the reservation at the intersection of M and Thirty-sixth streets NW., with such construction as may be necessary to connect with the tracks of the Capital Traction Company; thence east along M street to Thomas circle; thence around said circle on both sides thereof to said M street; thence along said M street to New Jersey avenue; thence southeasterly along New Jersey avenue to Massachusetts avenue at its intersection with First street NW.; thence southeasterly along Massachusetts avenue to north E street; thence east along north E street to east Second street; thence north on east Second street to north F street; thence east on north F street to Maryland avenue; thence northeasterly on Maryland avenue to the Bladensburg road; and thence northeasterly along the Bladensburg road to a point opposite Mount Olivet Cemetery. Also beginning at the intersection of New Jersey avenue and L street NW.; thence along L street to its intersection with Florida avenue and Tenth street; thence south along Tenth street to M street; thence west on M street to east Ninth street; thence north on east Ninth street to Georgia avenue; and thence northeasterly on Georgia avenue to east Tenth street: *Provided*, That if it should be found impracticable to lay a duct line on any of said streets, then the Commissioners of the District of Columbia are hereby authorized, upon the application of said company, to designate such other streets as may be best suited for the purpose of laying said duct line; *Provided further*, That before said railroad company shall have the right to lay its tracks in Bladensburg road between Maryland avenue and Mount Olivet Cemetery said road shall be widened, without expense to the District of Columbia, to a width of 90 feet between building lines, and if condemnation proceedings are necessary to secure such widening said railroad company is authorized to institute the same in the manner provided in the Code of Law for the District of Columbia.

SEC. 2. That where the route provided for in this act coincides with the route or routes of any existing street railway, one set of tracks only shall be used in common with such previously existing railway, upon terms to be mutually agreed upon. In case no agreement can be reached jurisdiction is hereby conferred upon the supreme court of the District of Columbia, in equity, to fix the terms upon which the rights hereby given shall be exercised.

SEC. 3. That the proceeding to fix such terms shall be by bill in equity, which may be filed by any corporation interested against the other corporation, whether owning or using the tracks. The right to use such tracks shall not be delayed by the proceeding for adjudication of such terms, but such rights may be at once exercised, the said court having the right in its sound discretion to impose reasonable terms by requiring bond or otherwise to protect the corporation entitled to compensation.

SEC. 4. That the said railroad shall be constructed in a substantial and durable manner, and all rails, electrical and mechanical appliances, conduits, stations, location and arrangement of tracks, and so forth, shall be approved by the Commissioners of the District of Columbia.

SEC. 5. That the said corporation shall at all times keep the space between its tracks and rails and 2 feet exterior thereto in such condition as the Commissioners of the District of Columbia, or their successors, may direct, and whenever any street occupied by said railroad is paved or repaired or otherwise improved the said corporation shall bear all the expense of improving the spaces above described. Should the said corporation fail to comply with the orders of the Commissioners the work shall be done by the proper officials of the District of Columbia, and the amounts due from said corporation shall be collected as provided by section 5 of the act entitled "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878.

SEC. 6. That if the said railroad be operated by overhead wires, the corporation shall furnish and maintain such lights along its line as the Commissioners of the District of Columbia may direct, without cost to the District of Columbia; but no overhead wires shall be constructed or used within the limits of the city of Washington.

SEC. 7. That nothing in this act shall prevent the District of Columbia at any time, at its option, from altering the grade of any avenue, street, or highway occupied by said railroad, or from altering and improving streets, avenues, and highways, and the sewerage thereof. In such event it shall be the duty of said company at once to change its said railway and the pavement so as to conform to such grades and improvements as may have been established.

SEC. 8. That it shall be lawful for said railroad company, its successors or assigns, having first obtained the permission of the Commissioners of the District of Columbia therefor, to make all needful and convenient trenches and excavations in any of said streets or places where said company may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient devices and machinery for operating said railroad in the same manner and by the means herein provided, but shall forthwith restore the street to like good condition as it was before. But whenever such trenches or excavations shall interfere with any sewer, gas, or water pipes, or any subways or conduits, or any public work of the kind, then the expense necessary to change such underground constructions shall be borne by the said railroad company.

SEC. 9. That the said company shall, before commencing work on said railroad on such street, deposit with the Treasurer of the United States, to the credit of the Washington Aqueduct, such sum as the Secretary of War may consider necessary to defray all the expenses that may be incurred by the United States in connection with the inspection of the work of construction of said railroad on such street, and in making good any damages done by said company or its works, or by any of its contracting agents, to any of said mains, fixtures, or apparatus, and in completing, as the Secretary of War may consider necessary, any of

the work that the said company may neglect or refuse to complete, and that the Secretary of War may consider necessary for the safety of said mains, fixtures, or apparatus; and the said company shall also deposit as aforesaid such further sums for said purposes at such times as the Secretary of War may consider necessary: *Provided*, That the said sum shall be disbursed like other moneys appropriated for the Washington Aqueduct, and that whatever shall remain of said deposits at the end of one year after the completion of said railroad in such street shall be returned to said company on the order of the Secretary of War, with an account of its disbursement in detail: *And provided also*, That disbursements of said deposits shall, except in cases of emergency, be made only on the order of the Secretary of War.

SEC. 10. That it shall also be lawful for said corporation, its successors or assigns, to erect and maintain, on private grounds, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the said corporation, and subject to the approval of the said Commissioners, an engine house or houses, boiler house, and all other buildings necessary for the successful operation of its railroad.

SEC. 11. That the line of the said railway company shall be commenced within one year and completed within three years from date of the passage of this act; and in default of such commencement or completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately cease and determine.

SEC. 12. That the said company may run public carriages propelled by electric power; but nothing in this act shall allow the use of steam power in locomotives, or of overhead trolleys within the limits of the city: *Provided*, That if electric power by trolley be used, that the said company shall be liable for all damages made thereby to subsurface metal pipes and to other public and private property: *Provided further*, That for the purpose of making a continuous connection over the route hereinbefore described the said company shall have the right to cross all streets, avenues, and highways that may be along the designated route.

SEC. 13. That the said company shall furnish and maintain passenger houses, as required by the Commissioners of the District of Columbia, and shall use first-class cars on said railway, with all the modern improvements for the convenience, comfort, and safety of passengers, and shall run cars as often as the public convenience may require, in accordance with a time-table to be subject to the approval of the Commissioners of the District of Columbia. Every failure to comply with the conditions of this section shall render the said corporation liable to a fine of \$50 for each offense, to be recovered in any court of competent jurisdiction at the suit of the Commissioners of said District.

SEC. 14. That all articles of value that may be inadvertently left in any of the cars or other vehicles of the said company shall be taken to its principal depot and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours of business.

SEC. 15. That said company shall, on or before the 1st of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December 31, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the affidavit of the president and secretary of said company, and if said report is not made at the time specified, or within ten days thereafter, such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia in lieu of personal taxes upon personal property, including cars and motive power, each year, 4 per cent of its gross earnings in the District of Columbia, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per cent of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway: *Provided*, That its tracks shall not be taxed as real estate.

SEC. 16. That said company may receive a rate of fare not exceeding 5 cents per passenger; and the several street railroad companies in the District of Columbia shall enter into mutual arrangements each with the other for the interchange of tickets in payment of fare on their respective lines: *Provided*, That within the limits of the District of Columbia six tickets shall be sold for 25 cents.

SEC. 17. That the said company shall have at all times the free and uninterrupted use of the roadway, subject to the rights of the public, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railroad company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to the said railroad company, the person or persons so offending shall forfeit and pay for each such offense not less than twenty-five nor more than one hundred dollars, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

SEC. 18. That the said railroad company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction.

SEC. 19. That no person shall be prohibited the right to travel on any part of said road, or be ejected from the cars by the company's employees for any other case than that of being drunk, disorderly, or contagiously diseased, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company.

SEC. 20. That the said Great Falls and Old Dominion Railroad Company, for the purpose only of constructing and equipping its railroad, as herein authorized, shall have the right to issue bonds or other obligations, secured by mortgage or deed of trust upon its right of way, property, and franchises, bearing interest not to exceed 5 per cent per annum and payable at such time as the officers of the company may deem expedient: *Provided, however*, That the issue of said bonds or other obligations shall not in the aggregate exceed the amount neces-

sary for the construction and equipment of its railroad and buildings, in accordance with the provisions of this act: *Provided further*, That no bonds or other obligations shall be issued except the same be fully paid for at not less than their par value in money or its equivalent.

Sec. 21. That Congress reserves the right to alter, amend, or repeal this act.

The PRESIDING OFFICER. The reading of the report is called for.

Mr. PLATT of Connecticut. I suggest that it will not be necessary, in reading the report, to read the copy of the bill which has just been read. It may be omitted.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the motion of the junior Senator from Virginia, that, notwithstanding—

Mr. BURROWS. I understood that the reading of the report was called for.

Mr. GALLINGER. I make the point that it is out of order to read the report before the bill is before the Senate.

The PRESIDING OFFICER. That request, the Chair understands, has been withdrawn.

Mr. GALLINGER. The Senator from Michigan renews it.

The PRESIDING OFFICER. Therefore, the pending question—

Mr. BURROWS. The Senator from Maine asked that the report be read. I was not aware that the request has been withdrawn.

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the junior Senator from Virginia, that, notwithstanding objection, the Senate proceed to the consideration of the bill.

Mr. BURROWS. I do not understand exactly the situation. I understood the Senator from Maine to call for the reading of the report. Has that request been granted?

The PRESIDING OFFICER. It would hardly be in order at this time, unless by unanimous consent, or until the bill is properly before the Senate. The bill has been read for the information of the Senate.

Mr. BURROWS. I ask unanimous consent that the report be read.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Unanimous consent is asked that the report on the pending bill be read.

Mr. GALLINGER. I must object to that, Mr. President. I think we had better get the bill before the Senate, if there are votes enough so to order, and then the reading of the report will be in order.

The PRESIDING OFFICER. Objection is made to the reading of the report. The pending question is on agreeing to the motion of the junior Senator from Virginia that, notwithstanding objection, the Senate proceed to consider the bill.

Mr. BURROWS. On that I call for the yeas and nays.

Mr. HALE. I move that the bill be recommitted.

The PRESIDING OFFICER. The Chair will state to the senior Senator from Maine that the bill is not yet before the Senate. The question now is whether the Senate will take up the bill and consider it.

Mr. HALE. Then I will make that motion whenever the rules permit it to be made. Let us have the yeas and nays on the question of proceeding to the consideration of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. I do not know how he would vote. Therefore I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. TILLMAN. I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. FOSTER of Louisiana (after having voted in the affirmative). May I inquire whether the junior Senator from North Dakota [Mr. McCUMBER] has voted?

The PRESIDING OFFICER. The Chair is informed he has not.

Mr. FOSTER of Louisiana. I have a general pair with that Senator, and therefore, in his absence, I withdraw my vote.

Mr. BAILEY. I have a general pair with the Senator from West Virginia [Mr. ELKINS], and he has not voted on this question. So I think perhaps I ought to withhold my vote.

Mr. MARTIN. There is no doubt that the Senator from West Virginia would vote to take up the bill.

Mr. BAILEY. And I should vote "nay." So perhaps I ought to withhold my vote.

Mr. McLAURIN. I am paired with the senior Senator from Washington [Mr. FOSTER], and therefore withhold my vote.

Mr. SPOONER. The Senator from Alabama [Mr. PETTUS] is paired with the Senator from Massachusetts [Mr. CRANE]. The Senator from Alabama has voted "nay." I am advised by the colleague of the Senator from Massachusetts that if present he would vote "nay." I transfer my pair with the Senator from Tennessee [Mr. CARMACK] to the Senator from Massachusetts [Mr. CRANE], and will vote. I vote "nay."

Mr. McCOMAS. I have a general pair with the senior Senator from Kentucky [Mr. BLACKBURN], who is absent. I understand that if present he would vote "yea," and I should vote "nay." But I withhold my vote.

Mr. CLARK of Montana (after having voted in the affirmative). I am paired, and therefore withdraw my vote.

The result was announced—yeas 30, nays 24, as follows:

YEAS—30.

Bacon	Foraker	McCreary	Platt, Conn.
Bate	Gallinger	Mallory	Scott
Burnham	Gamble	Martin	Simmons
Clay	Gibson	Millard	Stewart
Cockrell	Gorman	Money	Taliaferro
Daniel	Hansbrough	Overman	Warren
Dietrich	Kittredge	Patterson	
Dubois	Latimer	Perkins	

NAYS—24.

Alger	Cullom	Hopkins	Pettus
Allison	Dolliver	Lodge	Platt, N. Y.
Bard	Dryden	Long	Proctor
Berry	Fairbanks	Morgan	Spooner
Burrows	Hale	Nelson	Teller
Clapp	Heyburn	Newlands	Wetmore

NOT VOTING—36.

Aldrich	Clark, Mont.	Foster, La.	McCumber
Allee	Clark, Wyo.	Foster, Wash.	McEnery
Ankeny	Clarke, Ark.	Frye	McLaurin
Bailey	Crane	Fulton	Mitchell
Ball	Culberson	Hawley	Penrose
Beveridge	Depew	Kean	Quarles
Blackburn	Dick	Kearns	Smoot
Burton	Dillingham	Knox	Stone
Carmack	Elkins	McComas	Tillman

So Mr. MARTIN's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HALE obtained the floor.

Mr. GALLINGER. Will the Senator from Maine allow me for a moment?

Mr. HALE. Certainly.

Mr. GALLINGER. A few days ago I submitted a proposed amendment to this bill, which was printed. I wish now to withdraw that amendment and to substitute the one I send to the desk.

The PRESIDING OFFICER. The Senator from New Hampshire presents an amendment, which will be read.

Mr. GALLINGER. It is not necessary to read it. It is simply a proposition to run a single track on M street east of Thomas circle, coming back on N street. That is all. It need not be read.

Mr. HOPKINS. Will the Senator from Maine yield to me for a moment?

Mr. HALE. I yield to the Senator from Illinois.

Mr. HOPKINS. I desire to present an amendment to the pending bill.

The PRESIDING OFFICER. The Senator from Illinois presents an amendment, which will be stated.

The SECRETARY. It is proposed to add as a new section, to be known as section 3½, the following:

SEC. 3½. That the owners of and those interested as lessees and mortgagees of real estate abutting upon any of the streets, avenues, alleys, and public places along and over which the said railroad company constructs and operates its road in the city of Washington, as provided in this bill, shall have a right of action against said road, its successors, and assigns for any injury or damage arising to any of said real estate or property located thereon by reason of the construction and operation of said road along and over said streets, avenues, alleys, and public places.

Mr. HOPKINS. I do not care to have the amendment taken up until the bill is considered in detail. Then I shall desire to submit some remarks on the amendment.

Mr. HALE. Mr. President, I move that the bill be recommitted to the Committee on the District of Columbia, and on that motion I desire to say a few words.

I have no arraignments to make of the committee that has reported the bill, and I do not know but that it has received fair consideration. But I am impressed by the number of letters and statements that have come to me from parties living upon the scene where this road is projected who have had no opportunity to be heard, and I believe it will be in the interest of good legislation if the bill be sent back to the committee and hearings be renewed and parties who are greatly, seriously, and earnestly interested be permitted to appear before the committee so that all sides and all interests may be properly brought before the Senate for its action.

I do not find either—perhaps I am incorrect, and if so, the Senator reporting the bill will correct me—that the hearings which have taken place, and which cover or should cover the testimony of the parties who have been fortunate enough to get before the committee, have been printed for the use of the committee. It may be they have.

Mr. GALLINGER. To the extent of 124 pages, I will say to the Senator. It was advertised in the newspapers that the hearings would be had, and everybody was invited to come.

Mr. HALE. My point just now is, have these hearings, as contained in this document, been printed for the use of the Senate or simply for the use of the committee? I was not able until this morning to get a copy of it.

Mr. GALLINGER. They were printed for the use of the Senate, I will say to the Senator.

Mr. HALE. I was not able until this morning to get a copy.

Mr. GALLINGER. They have been in the document room and available ever since the date of the hearings, which were in last April.

Mr. PROCTOR. Were they distributed on our desks?

Mr. GALLINGER. I do not do that work, and hence can not answer the Senator. I have no doubt they were. Certainly they were not suppressed by the committee, I will say to the Senator.

Mr. HALE. I have been watching this project, and I have always sought all the information I could get upon it; but I never saw a copy of the hearings until to-day, and from glancing them over I can see, when I consider them in connection with other letters and statements that have been made to me, that they represent only a small portion of the people who are deeply interested in this project.

Mr. GALLINGER. Will the Senator from Maine permit me?

Mr. HALE. Certainly.

Mr. GALLINGER. If the Senator had been in the room of the Committee on the District of Columbia this morning he would have discovered a town meeting there on a subject that is of concern to the District. Had he been there last April he would have discovered that room packed with citizens of the District—

Mr. HANSBROUGH. For three or four days.

Mr. GALLINGER. Yes; coming there upon the announcement in the newspapers that hearings were to be had on this subject. Those meetings were held; the committee unanimously reported this bill; the testimony was printed for the use of the Senate; and no criticism will lie against the committee in this respect. It may lie against the judgment of the committee, but not against its procedure.

Mr. HALE. I stated that I had no arraignment to make of the committee. I see now from this report that there have been, as I had known, certain hearings, but there certainly have come to me additional statements, that are entitled to some consideration, of parties who desire further hearings.

I am told also that amendments are contemplated which involve new locations, involve a new development of this plan, which have never been considered in hearings, and that the residents upon the lines which are now by these amendments projected into this bill have not been heard because their localities were not before threatened.

If that is the case, certainly in the interest of good legislation it is not asking too much that the bill shall be recommitted and an opportunity be given to everybody, not only upon the original line as laid out and as heard before the committee, but upon the other streets that have been brought in by amendments, with the sanction of members of the committee, of the chairman, perhaps of the Senator who reported the bill.

My interest in this matter, Mr. President, is general. I know very little about the scheme or the parties who are behind it or what its future value will be; but I do know that we have gone on and gridironed this fair city with railroads in every direction. North and south, east and west, northeast and southwest, and southeast and northwest we have gridironed the city with these roads. There are only comparatively small spaces that are left free. We have gone so far in the privileges that we have granted to railroad companies that nobody now is discommoded. Along the line where this road is projected with its general course from the west to the east every three or four blocks are lined with railroads, running through the city north and south, that accommodate nine-tenths of the people of the city.

There is no demand, Mr. President, none has been shown, and I think, so far as I have been able to-day to look at this document, nothing is shown here as a demand from the residents of the city, the people themselves most interested, in favor of this scheme. It is demanded by the corporation that seeks to extend its road through the city.

Mr. GALLINGER. And combated by the existing corporations.

Mr. HALE. That I do not know anything about. It would be natural enough that they should combat it, but whether they do or not they are not here, so far as I know, in evidence.

Mr. GALLINGER. They appear conspicuously in the testimony.

Mr. HALE. We are called upon to give away unduly a valuable franchise in a tract of the city that has thus far been unmolested by these roads, but which yet is reached by valuable lines for the accommodation of the people, and we ought to hesitate long before we give away another valuable franchise simply at the request of a corporation which has built a road under certain rules and regulations (and I shall touch upon that not now but afterwards in the discussion) which are sought to be enforced in this District, that will be offensive to every man when they are stated and read. We ought to call a halt. In my judgment it is time to call a halt before we give away any more of these franchises.

I have plenty of material that later will be used, but in making this motion to recommit to the committee I have stated only the general proposition. It can do no harm; if it is a good case that this road has it will not be hurt by a rehearing. If it is a bad proposition, it is better to let light into it and let it be seen, and let the Senate know, as it does not know now, all the facts in the case.

Mr. GALLINGER. Mr. President, just a word at the present time. At some future time if this bill is up I shall want to discuss it more fully.

This is a most extraordinary motion of the Senator from Maine. Of course, it is clearly within the rules, and I do not know that anyone should complain of it. Here is a committee trying to do its duty, not seeking this work any more than the Senator from Texas [Mr. BAILEY], who says he has no taste for acting as mayor or councilman of a city. Probably there is not a member on that committee who would not be willing to exchange his place with any other Senator on any other committee of the Senate.

That committee gave very careful consideration to this measure. A hearing was had which in print makes 124 pages. The matter was then referred to a subcommittee, consisting of the Senator from North Dakota [Mr. HANSBROUGH], the Senator from Vermont [Mr. DILLINGHAM], the Senator from South Dakota [Mr. GAMBLE], the Senator from Virginia [Mr. MARTIN], and the Senator from Idaho [Mr. DUBOIS], who went over the route, examined it carefully, and reported to the committee that it was a proper request this corporation had made, and the full committee without a dissenting voice agreed to it and reported the bill to the Senate.

Now, it is proposed to recommit it, the Senator from Maine says, for further hearing, and this motion is made before the report of the committee is read and before the bill is debated. Mr. President, I have on my desk at least twenty requests for hearings from citizens of the District on almost every conceivable bill, but I have not received one letter nor had one suggestion made to me since this bill was reported from any citizen of the District of Columbia that further hearings were wanted on this bill. If the Senator from Maine has made the discovery that the people here are in arms and want another town meeting on this bill he has discovered something that has not come to the chairman of the committee, and I venture to say not to any member of the committee.

Mr. HALE. Let me ask the Senator a question?

Mr. GALLINGER. Certainly.

Mr. HALE. Taking the line as projected by the original bill or covered by the amendments that have been introduced and will be urged, how many resident owners of property has the Senator found who are in favor of the bill or the amendments?

Mr. GALLINGER. A great many. I received a letter this morning from the owner of a large apartment house on the corner of M street who says he wants this bill to pass.

Mr. HALE. That is one.

Mr. GALLINGER. That is one. If the Senator will read the testimony he will find a hundred there.

Mr. HALE. Hardly.

Mr. GALLINGER. Certainly. The committee were of opinion, after running over the matter very carefully, that the prot-estants and advocates of the bill were about equally divided.

Mr. HALE. The statements have been made to me by people whom I have faith in, that the number of resident owners of property upon these streets is very few who are not strongly opposed to the bill.

Mr. GALLINGER. The testimony does not show that. But even if that were so, it would not be different from what it has been when railroads are built in this city or in any other city,

so far as I know. Property owners in this city always protest that their property is going to be destroyed. In their judgment that may be true, but after the road is down the Senator from Maine would not dare to introduce a resolution here to tear up a rod of any of these roads. Not one rod has been laid down without a protest from the property owners along the road, and not a rod could be taken up without a riot.

Mr. HALE. What that means is, that in chartering new roads attention should be paid to the requirements of the corporation seeking the charter and not to the people living on the line of the road?

Mr. GALLINGER. I beg the Senator's pardon; that is an imputation on the committee that the committee will not silently endure.

Mr. HALE. Is not that a fair deduction from what the Senator said?

Mr. GALLINGER. It is not a fair deduction. The Senator probably is not aware of the facts. The Senator has not served on this committee. I have been on it for fourteen years. I have been in favor of this cross-town road during those fourteen years. This city is not gridironed with railroads, as the Senator asserts; far from it. The Senator probably does not know that in the northeast part of this city there are from 30,000 to 40,000 people who have practically no railroad accommodations.

Mr. HALE. Does this road reach them?

Mr. GALLINGER. It does absolutely. The existing roads have refused to extend their lines into that territory, or they have not done it, and this road comes in here and says, "We will give facilities for the northeast part of the city, that to-day is absolutely without any railroad facilities." If the Senator will read the testimony he will find what the Northeast Citizens' Association of this city say about it.

Mr. HALE. I propose to read it if I have time, or get this matter referred back to the committee. I propose to read it very fully.

Mr. GALLINGER. I wish the Senator had done it some time ago.

Now, Mr. President, this committee reported the bill, responding to what they believed to be a demand on the part of men who use street cars in the city of Washington, not on the part of men who, more fortunate than some of us, ride in their carriages, but on the part of ordinary men and women who travel in the District and who want such facilities. There is not a railroad from Georgetown within five blocks of the route projected here to Thomas circle, and there is no railroad running from that point to the northeast part of the city. There are one or two little spurs, but there is not any railroad running across to that part of the city, and the people there are absolutely without railroad accommodation, as will appear, if the Senator will take the trouble to read the testimony which the committee has had printed.

I say, Mr. President, this city is far from being gridironed with railroads. This city has running north and south a railroad on First street, a railroad on Sixth street, on Seventh street, Ninth street, Eleventh street, Fourteenth street, but when you come to the east and west what do you find? We have the Pennsylvania avenue line, the H street line, and we have a line running down New York avenue. We have a little spur running from the U street line across to Seventh street and there it stops. There is no city in my knowledge so inadequately supplied with railroad facilities as the city of Washington is in lines running east and west.

Mr. HALE. There is a line along boundary.

Mr. GALLINGER. On U street, running down to Seventh.

Now, Mr. President, this committee, in trying to find just grounds upon which to legislate, gave this matter very serious and careful consideration, and have reported this bill, which they think ought to pass. Of course we all understand that there are powerful influences against it. The existing railroad corporations are against it, and the bondholders of this consolidated company, who live in New York and elsewhere, are against this bill. There is no question about that. The committee is not ignorant of the opposition that is arrayed against this bill. All you have got to do is to go into the Marble Room to discover it, and we fully understand it. But we are going to advocate it, it being our mature judgment that it ought to pass.

Mr. DIETRICH. I should like to ask the Senator from New Hampshire who has charge of the bill as to section 15. I see that section 15 provides that 4 per cent of the gross earnings shall be paid as a tax. I should like to ask how the other roads now operating are taxed?

Mr. GALLINGER. They pay 4 per cent, precisely the same as is here provided.

Now, Mr. President, I apprehend—

Mr. BAILEY. Mr. President, I rise to a question of order. The Senator from New Hampshire reflects by implication upon every Senator in this Chamber who is opposed to this measure. He declares that certain powerful influences are against it, naming New York bondholders and stockholders of Washington railroads as the ones who are potential in the opposition. He thus implies that the Senators who are opposed to this bill are subjected to that improper influence.

Mr. GALLINGER. Now, Mr. President—

Mr. BAILEY. I wish to ask the Senator from New Hampshire if he means to intimate that that is the only influence that is opposed to the passage of the bill?

Mr. GALLINGER. I am surprised that the Senator from Texas has asked me that question. I had no such intention—not the least in the world. I have received letters on this subject, but they were proper letters. I have had interviews, but they were proper interviews.

Mr. BAILEY. I have had letters from many of the property holders on M street.

Mr. GALLINGER. I will say to the Senator that I had no intention of reflecting upon any living man. I think the bondholders of these roads have a right to protect their interests, if they think them endangered. The existing corporations have a right to protest against this charter if they think it is to their detriment to have it granted, but after these protests have been made it is the duty of Congress to take such action as the welfare of the general public may seem to demand. I do not question the sincerity of anybody, and, as far as Senators are concerned, of course I hope the Senator from Texas knows me well enough to know that that was the furthest from my thoughts.

Mr. HALE. I can say here, Mr. President, that I have never, early or late, day or night, here or elsewhere, heard from a single representative of the interests the Senator refers to. When the Senator says these powerful influences, these bondholders, are behind this opposition he states what I for one know nothing whatever about. My interest in the matter comes not from any communication with them or any knowledge of their existing on the face of the earth. It comes from my objection to chartering more railroads in this city and from appeals from residents whose property is practically confiscated by this bill. I have never known or heard of any other influence.

Mr. GALLINGER. Now, Mr. President, I will proceed, because I have only one minute. I wish I had a little more time to-day; but I will take occasion later on, if this bill shall be before the Senate, to make myself clear on this point.

We had before us Mr. George T. Dunlop, a very worthy man, who has become wealthy in running a railroad here—the most lucrative charter, I think, that perhaps was ever granted in this city. He is a very great railroad man. One of his first remarks to the committee was: "I protest against the passage of this bill on the ground that it invades the rights and privileges granted to my company some forty-two years ago."

Now, I am at a loss to know how we are invading Mr. Dunlop's rights and privileges. He has got his charter, and he is running his road and making a lot of money out of it; and this corporation, in my judgment, will not take a penny out of the coffers of that road if this bill should become a law. He opposed this bill on other grounds. He said, for instance, concerning this proposed road, that "there would not be enough hauled in a year to pay for the oil on the wheels going to the Union Station." To my surprise the Senator from Michigan [Mr. Burrows], who opposes this bill very strongly, offered a substitute granting Mr. Dunlop's road the right to run over exactly the same route that is provided in this bill. I confess that that is very puzzling to me. I do not quite comprehend that; perhaps the Senator will explain it later on, and perhaps Mr. Dunlop will also explain it.

Now, Mr. Dunlop talked about "our territory;" and on one occasion, if you will read the record, you will observe he says: "Why, that is General Harries's; that is the territory of the other corporation." I do not understand that Congress has divided up the territory of the District of Columbia to street railroad corporations. I do not understand that they have given General Harries a half of it and Mr. Dunlop the other half, and I think it was an impertinence to make that appeal before the committee. Mr. Dunlop went further and said that the Old Dominion Railroad Company, which by law has the right to come across the Aqueduct Bridge—and they spent \$50,000 in putting that bridge in repair so that they could come across it, and secure the right to come into the District of Columbia—

The PRESIDING OFFICER. The hour of 2 o'clock having arrived—

Mr. GALLINGER. Mr. President, just one minute more to finish my sentence. Mr. Dunlop said if they had ever asked to extend their lines into the District from the Union Station he

would not have allowed them to get the charter to come across the bridge. Now, I think we have a right to say that there are powerful influences, aggressive influences, potential influences, against this bill. We expected it, and we expect they will find expression in the debate which, I trust, will be had before the bill is finally acted upon, and in saying this I reflect upon no man or corporation.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business.

Mr. HALE. This bill goes to the Calendar?

Mr. GALLINGER. That is right.

The PRESIDING OFFICER. The Chair so understands it, under the rule.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and a State government and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. I understand that the Senator from North Carolina [Mr. SIMMONS] is ready to address the Senate on the unfinished business.

Mr. SIMMONS. Mr. President, before I had investigated the proposition to make two States out of these four Territories I was disposed to support the pending bill, although, in my opinion, each of the four Territories was prepared for statehood and entitled to separate statehood, because I thought that this proposition was the only one which had a reasonable chance to pass Congress now or at any time in the near future, and I was unwilling to vote longer to deny to the people of these Territories the right of self-government. After hearing the speech of the Senator from California [Mr. BARD] and in consideration of certain statements recently made to me as to the sentiments of the people of Arizona with reference to the consolidation provided in this bill, and as to the conditions which prevail in that Territory by a high official of my own State, a man of large ability and close observation who spent several months during the last summer in that Territory and mingled much with its people, I decided to make an investigation of the subject for myself, and as a result of that investigation I find myself unable to vote for the bill in its present shape without doing violence to what I regard as a settled policy of this Government in the admission of Territories, and without doing, in my judgment, a great wrong to the people of these Territories, especially to the people of the Territory of Arizona.

I feel differently with reference to the proposition to unite the Indian Territory and Oklahoma in one State from the way in which I feel with reference to the proposition to unite New Mexico and Arizona. I believe, as I said, that all of these Territories are prepared and entitled to be admitted into the Union as separate States, and so admitted would, in a comparatively short time, grow into great and powerful Commonwealths. But the people of Oklahoma and the Indian Territory seem to prefer this union, however obnoxious, to continued Territorial government. In deference to that sentiment of the people, and on account of my dislike of the Territorial system of government—a system which I regard as wholly alien to the genius of our institutions, and which, in my judgment, ought not to be continued in any part of the territory of the United States—especially in continental United States—one minute beyond the period of necessary preparation for statehood—if I am reduced to that alternative, I may prefer to vote for joint statehood for these two Territories, as a choice between that and continued Territorial government, though I am not now prepared to say definitely what I will do if that alternative shall, unhappily, ultimately confront me.

I am more favorably inclined to the proposition to consolidate Oklahoma and the Indian Territory, not only because the people of those Territories seem to assent to it, but because for many and, I think, manifest reasons the union of these Territories would be less objectionable than the union of New Mexico and Arizona would be.

For these reasons, Mr. President, I shall direct my remarks, as my investigations have been directed, chiefly to the proposition to unite New Mexico and Arizona. And as New Mexico seems to be willing to the union and Arizona is alone protesting, and as that Territory would undoubtedly suffer most from the consolidation, I shall direct my argument mainly to an inquiry into the rights of Arizona to separate statehood, and to the effect upon its material, social, and political interests of the proposed consolidation.

Now, what are the rights of Arizona in this behalf? Of course, I do not contend that the people of Arizona have any rights in this matter which Congress has not the power to ignore without in any way impinging upon its powers as declared and defined by the Constitution. But I do contend that Arizona has rights in this matter, both in connection with its claim to independent statehood and in connection with its protest against forcible annexation or consolidation with New Mexico, which Congress can not disregard without repudiating a rule of action which it has established by a line of precedents which have ripened into a national policy, upon which the people of Arizona had a right to rely and have relied and do now rely to secure them on the one hand in their claim to statehood, and to protect them on the other hand against the wrong of this proposed annexation.

It is true, Mr. President, the Constitution does not prescribe the requisites of statehood. It is also true there is no positive or written law prescribing these requisites. Undoubtedly, in the absence of positive law prescribing the requisites of statehood, Congress has discretion as to the time, the manner, and the prerequisites for the admission of Territories as States. The material question, then, is what is the extent and scope, what is the character and the nature, of that discretion? Is it an arbitrary and unrestrained discretion or is it a limited and circumscribed discretion?

Mr. President, when power is conferred upon any tribunal or body in the absence of specific provisions for its exercise the discretion thus necessarily created is not ordinarily an arbitrary discretion. It must be exercised with due regard to the principles of human right and universal equity. But after that power has been exercised for a long period of time in a manner reasonably uniform and consistent, even though it may have been by right arbitrarily exercised at first, the discretion may no longer be exercised arbitrarily, but is modified and limited by the line or rule of action which has grown up under its long-continued exercise.

So, Mr. President, Congress is bound in the exercise of its power and discretion to admit Territories to observe the principles and policies which it has itself established as the standard of right and privilege in the admission of the thirty-odd Territories which have become States since the adoption of the Constitution. In short, like any other body possessed of a discretion originally unrestrained, Congress has become bound, in morals, at least, by the limitations it has imposed upon itself in admitting the Territories. The Parliament of Great Britain is omnipotent. It can do what it pleases, yet in practice it holds itself bound by precedents which have ripened into a line of policy as firmly as Congress is bound by the Constitution. Congress may do many things that violate the rights of individuals and communities without impinging upon the Constitution, but in this domain of legislation it is as much bound by precedents which have ripened into a line of national policy as is the British Parliament.

I shall not take up the time of the Senate in discussing the proposition whether during the last one hundred and seventeen years, in the admission of thirty-two Territories into the Union, Congress has established a reasonably uniform and well-defined national policy as to the admission of Territories into the Union. I think that proposition is so well established that it is not necessary to reinforce it with argument. A casual study, Mr. President, of the history of the admission of these thirty-two States into the Union will disclose that Congress, in the exercise of its power and the discharge of its duty in this regard, has established two general propositions which have become a part of our national policy upon this subject. First, when a Territory by reason of extent of domain, size of population, and amount of taxable wealth is reasonably fitted for statehood it is entitled to admission as a separate State; and, secondly, when the Territory applying for admission is so large and unwieldy as to make intercourse between all of its component parts difficult and expensive and government costly, it should be divided into smaller and more compact States in the interest of convenience, community intercourse, and economical government.

Tried by the test of the extent of domain, of population, and of taxable wealth, Arizona undoubtedly is entitled to separate statehood; and tried by the rule looking to the division of large and unwieldy areas into smaller States, both New Mexico and Arizona have a right either to be admitted as separate States or to continue in their present Territorial condition.

Now, let me analyze and apply to the Territories of New Mexico and Arizona these policies, which I contend have been evolved out of the exercise of this power and the discharge of this duty by Congress during the past one hundred and seventy years. There is nothing in the admission by Congress of

the Territories definitely prescribing the extent of territory required. The areas of the original States were unequal. The areas of the Territories admitted to statehood are unequal; but, Mr. President, a consideration of the size of the various Territories that have been organized into States under the Constitution will, I think, show that Congress has observed what I might describe as a happy medium between very large States on the one hand and very small States on the other hand.

In two instances Congress has given a significant hint as to its conception of the proper size of a State. In the case of the Northwest Territory, covering, I believe, about the same extent of area as is comprised in New Mexico and Arizona, the ordinance of 1787 provided that that Territory should be divided into not less than three and not more than five States. This is a significant provision in the consideration of this question. It shows, to my mind, very clearly the Congressional idea of the size of a State, and it shows a preference on the part of Congress for smaller over larger States, because when Congress subsequently came to exercise the power conferred upon it by that ordinance, instead of creating out of this Territory three States it created out of it five States.

Again, Mr. President, in admitting Texas Congress gave another hint of its conception of the proper size of a State. That territory was admitted under exceptional conditions; but when it was admitted so strong was the idea of subdividing large and unwieldy areas into smaller States lodged in the Congressional mind that it was provided that it might subsequently be divided into five States. Texas contains, I believe, about 268,000 square miles, and this proviso for its subdivision into five States may reasonably be construed as showing the opinion of Congress as to the appropriate size of a State.

A study of the several acts of admission and of the size of the Territories admitted will, I think, show that Congress has all along had in mind the idea that small and compact States could better discharge the functions and duties of self-government under our system than States of larger areas, and actual results have, I think, amply justified the wisdom of that policy.

It is admitted that Arizona has a sufficient area of territory—113,000 square miles—to make a great State, even two great States.

But it is contended that a large part of this immense domain is sterile and barren and unproductive, and that when that portion is eliminated possibly there will not be enough left that is capable of productive and profitable use to make a State of sufficient resources to discharge the functions of government without imposing too great a burden of expense upon the people of the Territory. Mr. President, I know it is a popular conception that a large part of the Territory of Arizona is sterile and unproductive, but it is an erroneous opinion. There is no part, or if any part a very inconsiderable part, of this Territory that is not valuable and wealth producing. Its valleys—and there are twenty-one of them, I believe—comprise in themselves an area sufficient to make a great State. It is true that some of this valley land is arid and at present unproductive, but with the success of the scheme of national irrigation which is being applied in that Territory—and that it will be successful I think there is no doubt—every foot of this valley land will not only become productive, but it will become the most wonderfully productive soil in all America; it will become as fertile as the valley of the Nile, which it very much resembles, and it is as large in extent as the valley of the Nile, which, it is said, at one time sustained 60,000,000 people.

Arizona has about 10,000 square miles of forest, but it is not scrubby forest. It is not a forest with trees so small or of such a character that they are not of merchantable value; on the contrary, this whole 10,000 square miles is covered by the finest pine timber to be found anywhere in the United States. It is being worked; it is being felled, and these lands are being reduced to a condition for cultivation just as the territory of the Northwest, which was covered by forests, was reduced to a state of cultivation.

But there is this difference. The men who cut away the forests of the Northwest Territory found its timber practically valueless, because there were no uses to which it could be applied. But the timber from the forests that are being cleared in Arizona is at the same time it is cut manufactured into a product that is in great demand throughout the length and breadth of this country and is a source of immense national wealth.

The balance of that country is highlands. The general idea is that these highlands are deserts and of no value. That is not true. These lands, from one end of the Territory to the other, grow a grass that is the most remarkable grass I have ever read of in history or agricultural bulletins, and I am somewhat of a farmer and give a great deal of study to subjects

of that sort. I wish that this particular grass would live and grow in North Carolina. If it could be successfully transplanted to the South and the East and even to the Middle States, it would add greatly, in my judgment, to the value of the grazing lands of those sections. The peculiarity of this grass is that it is not only good pasturage in the spring and summer, but that it cures a magnificent hay without being cut, which may lie upon the ground without losing its nutrition during the whole winter.

These uplands of course are not subject to irrigation. It can not be irrigated. It is too high for that. But it produces this grass from the small rainfall of that section, which I think ranges from six to twenty inches annually, according to altitude. Besides, there are 30,000 square miles of this land which is the receptacle of the richest deposits of gold and silver and copper on the continent. Therefore, Mr. President, there is nothing in the contention that while the area of this Territory is ample in number of square miles, it is not sufficient by reason of its lack of productive value.

Mr. President, are there enough people in Arizona to make a self-governing community according to the American idea? Are they sufficiently thickly settled to admit of the application of the county-government and the township-government systems which obtain in all the States? There are, according to the last census, 123,000 people in this Territory. That is a population of about 100,000, excluding Indians, and I think they ought to be excluded, because they are not taxed, and really in that Territory not civilized. I am not going into the question of the accuracy of these census figures, although I think it could easily be shown that they are incorrect. According to the registration of 1902—and I use the figures of that registration instead of that of 1904, because the hearings before the committee deals with that instead of the registration preceding the last election, and we all know that a great many people who are entitled to vote do not register, and especially is that so where a large part of the people are engaged in mining, as in this Territory—according to the registration of 1902 Arizona had at that time, I believe, about 32,000 registered voters, and, measured by the test of 1 voter to every 5, its population ought to be, I should say, at least 145,000.

Tried by the test of the number of children enrolled in the schools, to wit, 40,000, her population ought to be at least a hundred and fifty or a hundred and sixty thousand. And tried by the numerous local enumerations which have been made, exposing inaccuracies in the census and showing a much larger population in communities and municipalities than the census accord to them, it ought to be, I should say, at least a hundred and sixty thousand.

Moreover, we have the positive statement of the Delegate from that Territory, reenforced by the statement of the governor of the Territory, that there is undoubtedly to-day a population of at least 150,000 people in Arizona.

But, Mr. President, not going into the field of speculative estimates, and relying entirely upon the showing made by the census, I submit that there can be no denial of statehood to Arizona upon the ground of lack of population. Of the thirty-two Territories that have been admitted into the Union since the adoption of the Constitution, twenty-four had a less population, according to the census last before their admission, than Arizona had four years ago, and of the three Territories last admitted into the Union two of them at least—Idaho and Wyoming—had a population at the time of their admission less than Arizona has now, according to the census.

Now, let us consider the question, and to my amazement that question has been raised, Are these people of sufficient virtue and intelligence to entitle them to be invested with the rights and duties of a self-governing community? Let us for a moment consider the nationality and character of the people of this Territory. About 5 per cent of them, according to the hearings, are of Mexican descent, and only about 700 of them are natives of Mexico. These constitute the least intelligent part of the population, but even they are not ignorant. The great majority of them know how to read and write, and speak the English language. Their children attend the common schools, which are taught in the English language.

These Mexicans, of whom it is said they are unfitted to be American citizens, to exercise the functions of self-government under the American Constitution, are the descendants of a people who have a system of government identical with ours and who under the leadership of one of the greatest men in the world to-day are demonstrating their capacity for self-government.

About one-fifteenth of the population, I believe, leaving out the Indians—and I am doing that in all these statements—are foreigners; but they are not that class of foreigners who

to-day are filling the slums of our great cities, who have come to our shores imbued with the principles and spirit of anarchy, and whose greatest concern here, as in the country from which they come, is to disrupt and overthrow the government under which they would live. They are a class of foreigners that any State in this Union would be proud and glad to welcome as a part of its citizenship. They are of a class of foreigners who have come and settled in other Territories and States in this country and have made them in a few years Commonwealths equal in dignity and in wealth to the greatest.

They come from England, from Germany, from Ireland, from Canada, from Sweden, from Scotland, from Austria, from France, from Switzerland, and from Denmark. It is true a number of them come from other countries, but four-fifths of them come from the countries I have named.

There is not a State in the Union to-day that would not be glad to receive into the bosom of its citizenship immigrants from the countries from which they have come.

The remaining 80 per cent of the people who live in this Territory and constitute its citizenship have come from the States or they are the descendants of those who have come from the States—your State, Senators, and my State. Two thousand three hundred and twenty-four came from New York, 2,000 came from Ohio, 1,672 came from Pennsylvania, 3,152 came from Vermont, 5,099 came from California, 2,659 came from Illinois, and more than a thousand of them came from each of the States of Indiana, Iowa, Kansas, and Kentucky.

They are the same class of people who have gone out from the States and settled all the other Territories of this country, whether it was the Northwest Territory or the Louisiana Purchase Territory or the Gadsden Purchase Territory. The same class of our own people who in the past have felled the forests, braved the wild beasts and the insalubrity of climate and other harassing and hampering conditions of frontier and Territorial life, and erected great States and Commonwealths out of these once wild wastes of forest and desolation.

These people, like their predecessors in frontier life, have not left their homes and broken up the associations of a lifetime because of indolence, but because of ambition. They have not gone out there because of their weakness, but because of their strength. They have not gone out there because of cowardice in meeting the conditions of life and battling with them, but they have gone out there because of their courage in dealing with the problems and hardships of life. They may be called adventurers, and in a sense they may be adventurers, but they are men of courage, men of grit, men of determination, men of ambition, men whose ambition and determination for better things would not permit them to stay home and put up with the ordinary, but led them to brave hardships amid new and untried conditions in a strange land in the hope that they might achieve for themselves and their posterity better conditions and things than the old home had to offer to those who had nothing to build upon except brawn and muscle, guided by courage and intelligence and character.

To say that this class of people—and they constitute 80 per cent of the people of the Territory of Arizona to-day—are not capable of self-government, that they do not possess sufficient virtue and intelligence to discharge those functions, is to repudiate and to deny the experience of our whole history in the settlement of Territories and the development out of them of great and powerful Commonwealths.

Mr. President, has Arizona sufficient resources—sufficient taxable property, actual or potential—to support an independent government without imposing too heavy a burden upon the wealth and incomes of her people? At present there is upon the tax books of that Territory forty-three millions of taxable property. But that does not represent the real amount of the taxable property in the Territory, either actual or potential, but even upon that small valuation a revenue is realized, from a rate of taxation not at all oppressive or unusual, sufficient to discharge all the expenses of government, economically administered, and to-day I am advised there is a surplus of \$100,000 in the treasury of that Territory belonging to the school fund.

But, Mr. President, it is a fact, thoroughly authenticated in the hearings had upon this subject—and I am speaking entirely from the hearings, so far as this part of the subject is concerned, because my readings have not gone outside of the hearings—property is assessed for taxation in this Territory for only about 20 per cent of its actual value. If the rule for the assessment of property for taxation that obtains, I think, pretty generally throughout the United States—that is, upon a basis of approximately three-fourths of actual value—was applied in this Territory, the taxable property would be nearly four times what it is at present. That four times its

present amount would not more than cover the actual value of the property in that Territory is made clear by the undisputed statistics of its presently developed resources. There was in that Territory two years ago—and the mileage has been considerably increased since then—in actual operation, 1,400 miles of railroad, the original cost of which was \$70,000,000, and which to-day probably could not be bought in the open market for less than that amount.

According to the statements of all the witnesses examined by the committee in this matter, there was last year in gold and silver and copper taken from the mines of Arizona—which, by the way, are the most extensive and the most valuable, I suppose, of any State in the Union—\$43,000,000, to say nothing about the value of its meat and timber and farm products and the resources of its various other occupations and industries. This statement of undisputed resources makes it perfectly manifest that \$200,000,000 is not an overestimate of the present taxable value of the property of Arizona. Not one-half of the Territories that have been admitted into the Union had at the time of their admission taxable property equal to that of Arizona. Not one-third of them had upon the tax list as much property as is upon the tax list of Arizona to-day.

Then, Mr. President, why deny these people statehood? What have they done during the years that they have been a Territorial government to demonstrate their capacity for statehood? They have established a system of government there that compares favorably with the system obtaining not only in other Territories, but in the more advanced States of this Union. They have their court-houses, where justice is administered as faithfully and as rigidly and as thoroughly as in the States. They have established splendid public buildings at the capital for the use of the legislative, the executive, and administrative branches of the government. They have erected asylums for the care of the afflicted and the indigent and the bereft, and they have built a penitentiary for the imprisonment of the rascals. They have a university that would be a credit to any State. They have two normal schools, as good as any. They have ten high schools, one of which is said to be in its appointments and equipments the superior of any like institution in the United States, except only one in California and another in New York.

They have a common school system that covers the whole Territory, and there are enrolled in these schools 40,000 pupils.

Better than that, Mr. President, as indicating the interest of the people in education, as indicating the advance that they have made in the direction of universal education, they have what very few States in this Union have—a compulsory system of education. Whoever goes to that Territory and takes his children with him will learn soon after he gets there that he has got to put his children in school and educate them or move on to some other less progressive community.

Mr. President, the people of that Territory are not an ignorant people. They are just as intelligent as any part of the population of the United States. In fact, the governor of that Territory in his testimony before the committee said that, excluding Indians, there was not 1 per cent of illiteracy in the Territory, and that is a very remarkably low rate. The people who have gone there from the States and who are going there every day in the year from the States and filling up the waste places of that Territory are, of course, not all educated people. But it is a fact, authenticated and vouched for by the witnesses, by the statements before the committee, that there are a large number of graduates, of college men, of university men among those who have gone and continue to go into this Territory from the States; and that there are but few who can not read and write in the English language, and who do not actually in the everyday affairs of life transact their own business and do their own writing.

There are, of course, Mr. President, some uneducated men there who have come from the States, but they are not ignorant. They are well posted and informed as to the ordinary affairs of life. They are intelligent.

The class of men who leave home and break their associations and go into a distant and strange land, even though they may not be versed in the learning of the books, in one way or another get to be well-informed people. They pick up and absorb the knowledge necessary to success under the conditions of American life. For this kind of knowledge this class of "rough and ready" people of Anglo-Saxon blood and American bred are always on the alert and of it they are intensely covetous. Among the many other things which they learn in this way are the principles of self-government as applied in this country, and that is the true test in this case and in the consideration of this question. Mr. President, I would hesitate long before I would admit that any man of Anglo-Saxon blood and American raising, however unlettered, did not in a general way under-

stand the principles of self-government. In the absence of book learning, the American boy learns these principles at the fireside or in the court-house and from the hustings. Eighty per cent of the population of Arizona is American born and American reared, and they understand the principles of self-government, and they have imbibed the capacity of self-government from their ancestors. To say people like these are not fit for and are not entitled to the right of self-government is to lose sight of the most patent and the most potent fact in our history.

Now, Mr. President, I desire for a short time to direct my attention to a consideration of the proposition to annex Arizona to New Mexico. I say "annex," for I regard this as a proposition for annexation rather than consolidation; for if Arizona is united with New Mexico under the terms and provisions of this bill it will have no more power, no more influence in determining the policy of that government, its legislation and administration than if it were a small strip of territory attached to it to square and fill in and round out its physical boundaries or supplement its inadequate population. It amounts in actual results, so far as the people of Arizona are concerned, to annexation as contradistinguished from union.

Mr. President, if any one policy more than another has been evolved out of the history of the admission of Territories in the Union it is that Congress will not impose upon the people of a Territory unnecessary burdens by reason of organizing States out of large and unwieldy Territories. That policy has been uniformly pursued by this country throughout its whole history, beginning with Vermont in 1791, when Congress carved that area out of New York because the two made an unwieldy State.

That policy was again applied when later Congress carved Maine out of the State of Massachusetts and made two States; and it was followed again when Congress made Mississippi a State and left Alabama, which at that time was a part of the Territory of Mississippi, a Territory; and it has recently in a very celebrated instance been applied in the organization of two States from the Territory of Dakota.

When the bill came before the Senate to create a State out of the Territory of Dakota this whole subject was exhaustively discussed. Senator PLATT made a speech on that occasion which was exhaustive and illuminating, the crux of which was the cost and inconvenience of administering the affairs of a State of such an immense area. In the course of this speech, after reciting the facts and figures showing the great size this State would be compared with other States, Senator PLATT said:

The Territory of Dakota contained 149,100 square miles, so that as one State it would embrace, in round numbers, 27,000 square miles more than the United Kingdom of England, Ireland, Scotland, and Wales. It is practically as large as New York, Pennsylvania, New Jersey, Maryland, and Virginia. Just think for a moment of putting all these States into one State.

Mr. President, the Territory of Dakota was but little larger than that of Arizona, and only about one-half as large as the combined Territories of New Mexico and Arizona.

Yet, when it was proposed to erect that into a State it was contended that it was too large, and that contention prevailed and it was divided and admitted as two States. You will find in the RECORD no other reason given for it except the size. There was no suggestion in that case, as in this case, that this Territory was inhabited by people of different classes and different habits. There was no contention that there was any difference in the laws and the customs and the jurisprudence of the people of the two sections of that Territory as is shown to exist in the case of the people of New Mexico and Arizona. They were the same people; they had grown up under the same system of laws; and yet they were separated by Congress for the sole reason that the Territory was unwieldy and too large for economical government.

Mr. President, I do not regard this as an open question so far as the Territory of Arizona is concerned. I think the very question that I am discussing now, the very question that is involved in this proposition, to unite these two Territories into one State, has been decided by Congress and has become, I might say, to use the language of the lawyers, *res adjudicata*. Arizona was, at the time New Mexico was organized into a Territory, a part of New Mexico. That was in 1850, I think. It remained a part of New Mexico until 1863, I think.

Then a bill came before Congress having the sanction and approval not only of President Lincoln, but of ex-President Buchanan, who some years before that had recommended that the territory now covered by Arizona should be separated and detached from New Mexico and organized into a separate Territory, for the reason that the Territory was too large for efficient and economical administration.

The question was exhaustively considered in both branches of Congress. The bill did not pass during the Congress in which

it was first introduced. It was discussed during several sessions of Congress, as I recollect it, by some of the most prominent men in public life at that time, and in all these discussions the argument relied on by the advocates of the dismemberment of New Mexico by detaching the Arizona Territory was its inconvenient and unwieldy dimensions.

Mr. Watts, then the Delegate from New Mexico, stood in the House of Representatives and, for the reasons I have just assigned, asked that his own Territory be partitioned and dismembered. Representing, as he declared, the wishes and the interests of his people, he demanded this partition.

In that debate Senator Wade took an active part. He called attention to the fact that the Territory of New Mexico, including Arizona, was altogether too extensive for any municipal business to be transacted in its extreme portions; that the principal point of population in Arizona was 700 miles from the seat of justice in New Mexico, and he declared that because of the great size of the Territory, it being five or six times larger than the State of Ohio, the bill dividing it should surely pass.

For that reason, Mr. President, and for the additional reason that this Territory was divided by a line of mountain ranges running through the center of it 100 miles wide and with a height ranging from 4,800 to 7,400 feet above the sea, it was divided.

Now, Mr. President, if these were good reasons for the dismemberment of this Territory in 1863, are they not as good, yea, are they not better, reasons why those two Territories should not now be reunited and consolidated into a single State? At that time there was no difference between the system of laws governing the one part and the other part of New Mexico. The Territorial laws were the same on both sides of the great continental divide which separated them. There had not grown up at that time as great racial, social, and political differences, leaving out divergence in laws and jurisprudence, as there exists to-day. The people of both Territories were more nearly in affinity by reason of race and customs and habits and jurisprudence than they are now.

The forty years that have intervened between then and now, during which time each one of these Territories has had a system of Territorial government of its own, has broadened and intensified the original differences in the characteristics of these two peoples and widened the gulf between them. The chief population of Arizona is Anglo-Saxon. A large part of the population of New Mexico is Mexican. More than two-fifths, I believe, of that Territory is Mexican, while only about 5 per cent of that in Arizona is Mexican. On account of the smallness of this element in proportion to the whole population in Arizona, it is easy to assimilate and Americanize it—indeed it has already been largely Americanized. But on account of the large proportion of Mexican to the total population of New Mexico this process has been more difficult and comparatively little headway has been made in that direction, and the Mexican in his natural condition, with his natural instincts and tastes, is a powerful element to-day in that Territory, while in Arizona he has long since ceased to be a factor.

The difference in race and temperament and habits and customs of these two peoples has, during these long years, found expression in their laws and jurisprudence. In one Territory the old common-law system obtains, in the other what is known as the "code" system has long been in force, while the genius and spirit of their laws and administrative methods are widely and radically different.

Think of the confusion and chaos which must ensue from the attempt to harmonize these differences in laws and systems—not to enter upon the larger question growing out of the inevitable temperamental clash. In the conflict one system or the other must succumb, and then what, Mr. President? Contentions, bitterness, hatreds, and "confusion worse confounded."

Tucson, then the chief town of the Arizona Territory, was 700 miles from Santa Fe, then the seat of government of New Mexico, and upon that ground Senator Wade in 1863 demanded the divorcement of these widely separated areas. Since that time the distance between Tucson and Santa Fe has not diminished, but the population of Tucson has multiplied many times, and many other towns and cities quite as far away from Santa Fe, which is again to become the seat of government of the consolidated Territory if this bill passes, have come into existence, and there are now thirteen county seats—court-house towns—in Arizona, whose average distance from Santa Fe is over 500 miles. Mr. President, how much more should the convenience of all of these towns and cities weigh against this scheme of consolidation than the inconvenience of the people of the little village of Tucson weighed in 1863 in bringing about the separation of these Territories?

But, Mr. President, when you consider the fact that in cov-

ering that distance you have got to cross the great Continental Divide, which divides these two Territories, which, as I said a little while ago, is 100 miles wide, and has a height of from 4,800 to 7,400 feet, and which is impassable except at a few places, these distances become appalling. If the proposition before us succeeds, the people of the thirteen counties of Arizona will have to go these distances across this great mountain range to attend the meetings of their legislature or to transact the most ordinary business of the citizen, and there are few citizens who do not have some business with the governor or subordinate officers or departments at the capital.

But there is another reason why Arizona is entitled to separate statehood. It grows out of the act of its admission as a Territory. That is a very peculiar act, Mr. President. That act provides in general terms for the establishment in this Territory of a temporary government. It does not stop there. Immediately following that declaration is a proviso that Congress shall have the power to subdivide this Territory. What does that signify? It signifies that the Congressional mind at that time was not satisfied that Arizona was not in itself too large for one State, and that it might become expedient to divide it into still smaller areas instead of attaching it, as now proposed, to another area larger than itself.

The fact that Congress did not expressly reserve to itself the power to subsequently consolidate this Territory with some other Territory, while expressly reserving to itself the power to subdivide it, shows it had no purpose ever to exercise the power over this Territory proposed in this bill. The people of the Territory had a right to put this construction upon that proviso and to treat it as an assurance and promise that their Territory should never be annexed to another without their consent. They had the right to apply the familiar principle of construction that the inclusion of the one excluded the other power or purpose.

But this remarkable act went further. Immediately following this provision there is another proviso. It is as follows:

Said Territorial government shall be maintained and continued until such time as the people residing therein shall, with the consent of Congress, form a State.

What does that mean, Mr. President, if it does not mean that this Territorial government, which was established in the very first section of the bill, should never be changed by Congress except by organizing this Territory into a State? It means by every rule of construction that until these people shall come to Congress and knock at the door for statehood and get the consent of Congress to become a separate State the Territorial government provided by that act shall continue in force. It is, Mr. President, a promise of autonomy either as a State or a Territory.

Mr. President, what is the attitude of these people? They want statehood; they have wanted it for long years; they are ready for statehood; they are entitled to statehood by every standard that has been established by the admission of thirty-odd States during a period of one hundred and seventeen years; but they say "Rather than submit to the inconvenience, to the outrage of union with a people foreign in language, foreign in race, foreign in customs, habits, and laws, separated by a barrier a hundred miles in width towering toward the skies—rather than do that we will exercise our rights, secured to us in the act creating us a Territory, to remain a temporary government and a Territory of the Union." The question is, Will they be accorded that right, or will they be forced into this union so obnoxious to them? I want to say for myself, Mr. President, that there are no reasons under the sun that could induce me to vote for such a proposition as that—absolutely none. It would be an outrage. It would be an iniquity.

Mr. President, I have already detained the Senate much longer than I had intended to do. In conclusion, let me say, I presume no one will deny that the central principle of our system of government, the principle from which all its other principles radiate and around which they all revolve, is the principle of self-government. I presume no one will deny that the Territorial system finds uncongenial soil in the United States; that it is alien to the spirit and the genius of our institutions, and that fidelity to those institutions requires that it should be continued not one hour beyond the period of necessary preparation for the application of the rights and principles of self-government, and that ordinarily doubts as to whether that time has arrived in a particular case should be resolved in favor of the paramount principle. When the people of a Territory are ready for statehood according to the standards we ourselves have made and established, whether by positive law or immemorial practice, to deny that people statehood and the resulting right of self-government for political or sectional reasons not only inflicts a

wrong upon that people and the country at large, but constitutes an offense against the most vital principles out of which our Government sprang and by virtue of which it exists.

Mr. HEYBURN. Mr. President, we perform no more important function of government than the creation of States from Territories. The responsibility differs from that resting on the founders of the nation only in degree, and the measure thereof can not be fully realized until time and experience shall have demonstrated the relation which the new State is to bear to the nation in the future. A given area of territory possessing natural resources a part of which are known, and an infinitely greater part of which are yet to be discovered, presents a problem in the solving of which we must draw on the history of past experience under like or similar conditions and make large allowance for the progress of knowledge and advancement of method. The past and the present are only suggestions of future possibilities in the growth of new States. A State is a geographical subdivision of this country not based upon personal numbers. The State would exist geographically though every inhabitant left it. We might create it before opening the door to habitation and provide for the formation of its government by the people to be admitted to residence within it. In doing so we would base our action on the natural resources of the area of which the State was comprised and its capacity to attract and maintain a population sufficient in number and capacity to maintain a State government on the footing of other States of the nation, and would admit such State to the Union only when such settlement had reached that point. The Senate differs from the House of Representatives in this, that the representation here is based on geography, and there it is based on population. We must bear this in mind in creating the proposed States or in not doing so. Not only must the geography be considered, but its present and future relations to government and the people must be taken into account; its present capacity to maintain State government, and its natural resources, in which rest the promise of future growth and greatness. It is not new for the present generation to look with skepticism upon the future. In imagination I can see our forefathers, when they met to consider the formation of the Government, regarding with some disdain that great section of this country lying west of the range of mountains and the limit of the then settled portions of the country which now constitute so important a part of the wealth, civilization, and greatness of our country. I believe that had America been discovered on the Pacific coast and the foundation of settlement laid under the warmth of its skies and genial climate, amid its opportunities for comfort of living, rich reward for labor and enterprise, the frontier would have moved more slowly eastward than it has toward the Pacific coast, and the civilization and development of this coast would have been as yet but a hope. I make this statement upon the conditions existing within our country and disregarding exterior conditions of proximity to other countries and trade centers of commerce. In looking at the census of the United States I find that, taking a period of fifty years from the foundation of the Government, what is known as the northeastern group of States but little more than doubled its population. This group is comprised of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

I do not speak in disparagement of those States or their great prosperity and possibilities for the future, but I shall use this illustration as a basis of the argument that I propose to advance in favor of consideration for the possibilities of development in the States under consideration.

The western division of the United States, which by the census is classified as such, comprises Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California. In fifty years that subdivision of the United States went from a population of 178,819 in 1850, when the empire crossed the Mississippi and the Missouri rivers, to 4,091,000—from a population of less than 200,000 to a population of 4,091,000—while the North Atlantic division, which practically constituted the original colonies, in fifty years went from 1,968,000 to 6,761,000. In the first fifty years the growth of this section of our country, of which we are so proud, only went from a little less than 2,000,000 to a little less than 8,000,000. Upon that we base our prophecy and the argument that flows from it as to what we may expect of this new country, which came to us after our Government was perfected.

Something has been said as to the interpretation to be placed upon the provision of our Constitution which permits Congress to admit new States. Upon an examination of the proceedings of the convention, in their discussion of that article of the

Constitution, I find that the debates ended with the concession that it had no application to any existing condition or anything then under consideration before the convention. So whatever interpretation is to be placed upon it must be placed upon it rather in the light of things that have occurred since than of things or conditions which then existed.

Mr. President, I again suggest that in making States we are dealing with the question of representation in Congress, so far as we are concerned. The industrial conditions are something that interest the people there, and to be there, more than they interest us. Taken as an average, every part of the United States, geographically speaking, is as good as every other part. In one section we find one class of natural resource and in another we find the entire absence of that resource, but a substitute for it. So that it is not becoming in us, nor are we justified by the facts, to charge that any section of our country has not the natural resources that may sustain the population and the civilization necessary to constitute a State.

The same discussion that we hear to-day in regard to the relative size or sizes of the States occupied the attention of the framers of our Constitution. Perhaps the most strongly contested question in that convention was that of equal representation in this body, because it was argued that the great State of Virginia, the great State of New York, and others of that class were entitled to a larger representation here in the Senate than was the State of Delaware and other States of that class.

But recognizing the existence of these States as independent political organizations necessary for the convenience of the Government, absolutely demanded, through motives of home or patriotism, by those who represented them, resistance against any possible threat of their dismemberment or absorption, the Constitution came from the hands of the framers as we have it, recognizing that the dignity of a State in this body depended upon its geography and not upon the number of its representatives. When the Senate sat for the first time there was a Senator in this body for every 13,000 people; that was the average representation for each Senator. There was a vast difference in the size of the States. The largest State was no larger than some of the counties in some of the new States; two of the States of the original thirteen were not as large as my neighboring county; but that did not enter into the question as to whether Massachusetts should have a certain number of Senators, Delaware a certain number, or Virginia a certain number. We can not change the Constitution by indirection. We can not avoid its mandates by disregarding the plain principle upon which the Government is to be divided to be represented. We are bound to keep those principles in mind.

We took this territory by treaty. So far as New Mexico is concerned, it came to us by two treaties—the treaty with Texas and the treaty with Mexico. Arizona came to us solely through the treaty with Mexico. By the third article in that treaty it is provided that the people of that Territory shall be admitted to the Union on the same footing as the other States of the United States. It is a solemn compact that we entered into. No time was fixed when this should be done; but it was stated by Albert Gallatin, in discussing the question of Oregon, I believe, that it was a recognized right of a portion of this country to be admitted as a State when the conditions that would sustain a State existed; and he contended that whenever 60,000 inhabitants dwelt within a geographical division of the United States they were entitled ipso facto to statehood. That was his position. There was a contention over it; but in settling the Oregon question it was not necessary to consider the 60,000 rule, because she had over 90,000.

But we are here to deal not with conditions that exist to-day alone; we are here to deal with conditions that will exist in that Territory fifty, one hundred, aye, centuries from now. We have no right to close the door upon the hope and the possibilities of that section of the country. Suppose that our ancestors, in the certainty of their guess that the country lying west of the Allegheny Mountains would always be an Indian reservation, would always be an unproductive and uninhabited country, upon the strength of that assurance had admitted the Northwest Territory as one State, notwithstanding the Articles of Confederation. When the Constitution was adopted it became the supreme law of the land, and Congress had the power to admit the Northwest Territory, which now comprises five of the greatest States in the Union, as one State. Its population was not as large as that of Arizona to-day; its population was less than that of Idaho. Had they stopped with the then existing conditions, and had they adopted the rule that has been urged in the discussion of this question, they would have said: "The Northwest Territory has only about 160,000 people, and even though

it is a vast extent of country, it is not entitled to be divided, and we will admit it so that it will have two United States Senators." The result is obvious.

So, going farther west, it may be interesting to compare the figures between the country east and that west of the Mississippi River. In giving these figures I shall not take Texas into consideration, because Texas came to us under a treaty. The fact that she was made a State by an act of Congress still leaves her standing as a section of our country with rights peculiar to herself such as no other State has. She reserved her public lands; she reserved the right to create other States out of her Territory when she chooses to exercise it. We can neither compel her to do it, nor can we deprive her of the right to do it. Thus she stands peculiarly situated among the States.

The average size of the States west of the Mississippi River is upward of 87,000 square miles—that is, those west of the original States—because they all claimed to the Mississippi River. It was rather an indefinite, shadowy claim, but no other country claimed it. Fifty years from now, if the ratio of growth of the last fifty years is maintained in those States, they will have three times the population of the country east of the Mississippi River. We are legislating for fifty years hence in the consideration of this bill.

The population of Arizona at this time is 162,000, in round figures, and she has an area of 113,000 square miles—almost twice as large as the average size of the States west of the Mississippi River, almost as large as all the Middle States. Arizona and New Mexico lack only a little of being as large as all of the thirteen original colonies.

Now, does it become us to stand here and quibble over the number of acres under cultivation to-day, over the number of bushels of wheat that Arizona or New Mexico produces, or the number of cattle that are fed upon her plains and her mountains? The things of to-day are the impossibilities of fifty years ago. One of the greatest statesmen of the country, a man whose name is a synonym of wisdom, political and otherwise, stood in the Senate of the United States and proposed to give away what constitutes to-day the most productive section of the United States. He proposed to give away the great corn fields of our Western States, the great grazing lands, and the mines that have produced the wealth upon which the safety and prosperity of this country has rested for fifty years. He proposed to give all that away. Why? Because he had no criterion by which to measure the possibilities of that country. Because it had not developed, he reasoned that it would not; because its resources had not been exploited, he reasoned that they did not exist. The great granary of this country to-day, the great lumber fields of this country to-day, and the mines and the pasture lands lie within that country that Mr. Webster, on the floor of the Senate, when the Senate was considering a question similar to that which occupies our attention to-day, said was not worth holding. It was not an accidental, irresponsible prophecy or statement; it was one evolved from his consideration, from his standpoint, in the light of that day.

If this Territory has within it the natural resources upon which a State may rest in the future, and if the condition of these people is such that they may not at this hour be intrusted with statehood, then our duty is not to press them to statehood, but to allow them to rest and grow until they are fit for statehood.

One of the first considerations that should present itself for our attention is: Are the individuals living within this geographical subdivision fitted to conduct the affairs of States? Have they the personal character, and manhood and womanhood? Have they shown themselves capable of building up the local institutions that constitute civilization, because civilization is simply a question of units and items? It is the public schools and the morals of the home that constitute civilization. Have these people those attributes? If they have, then the next question is: Can they maintain the fixed charges of a State government, because there are duties as well as liberties in self-government? I sometimes think that self-government is more a duty than a privilege. I believe at times that we should compel people to assume the duties of self-government; that it is not a question of yielding to their importunity, but when they have the attributes—when they have around them those things that, by being made proper use of, would constitute a State—they should be compelled to exercise the rights and assume the duties and the burdens of self-government. But in this case the people of the Territories of Arizona and New Mexico do not want statehood. I have here—and I intend to ask the privilege of having it read by the Secretary at the proper time—protests from responsible men and bodies of men and women in New Mexico against statehood under the conditions of the pending bill—not shirking the

responsibility of self-government should it come to them under proper and tolerable conditions, but resisting the formation of a State that will unite them with incongruous and impossible conditions. The same objection comes from Arizona.

The population of these two Territories is as widely different as though they were separate nations. Arizona was comparatively uninhabited when it came to us from Mexico. The result is that such inhabitants as are there went there from the various sections of our country, and they are largely American. New Mexico was largely inhabited when we acquired it. There was a nucleus of a Spanish-American population there that has grown and drawn to itself from below the line until to-day the prevailing sentiment in New Mexico is Mexican. They have a religion peculiar to themselves. It predominates. There is not that freedom of choice, unembarrassed by the results, that flow from the exercise of their choice in New Mexico that there is in Arizona. New Mexico predominates in population to that extent that Arizona would be but a county in New Mexico in the practical operation of the government should they be united.

We have not the right to create a State composed of such incongruous conditions and elements as these. We must consider the result as to statehood from a personal, individual standpoint, so far as the government of the State is concerned. It is the people living within this Territory, of which it is proposed to make a State, who must bear the burden. The State will be a successful and pleasant affair to them according to the harmony that exists in their interests from an individual standpoint. New Mexico can make the constitution for Arizona. She can send a majority of the delegates to the convention. She can send them there of one religion, if she pleases to do so, and Arizona will have to take such a constitution as New Mexico makes for her. If they vote together upon the adoption of the constitution, on the question of their admission, New Mexico can drag Arizona into the Union as a part of her. Is that fair?

It seems to me it is not within the spirit and intent of the law, which says that Congress may make new States. It is not within the spirit or the intent of the treaty with Mexico, the ninth article of which said the United States guaranteed those people admission to the Union on a plane with the other States. Is that admitting them on a plane with the other States? All of the Mexican territory which came to us under that treaty carries with it that guaranty. We are bound to keep the faith. Would it be keeping the faith to constitute of that Mexican cession one State with two Representatives upon this floor?

I want to speak plainly in regard to another feature of this case—that of representation. It was the intention of the framers of the Constitution that the representation in this body should maintain an equilibrium of power. This does not suggest that there is an antagonism between one part of this country and another. It does not necessarily mean that we are contemplating the time when there will be a conflict between the East and the West or the North and the South. But it is nevertheless to be considered in determining the subdivision and the manner of subdivision of this country for the purpose of representation in this body.

The interests of the two oceans by which we are bounded are widely separated and widely different. Great questions arise that have a local tone to the East or the West, to the North or the South—things of interest to the people of the Pacific coast and of no interest to the people of the Atlantic coast, or of conflicting interest. The people of each section of this country are entitled to have it so divided, so far as it results in affecting representation in this body, that the balance of power shall be maintained, whether that power is ever necessarily used or not. It should exist. That was the intention of the framers of the Constitution and the founders of the Government.

The united area of New Mexico and Arizona is larger than any other subdivision of the United States except Texas. The States have been growing larger and larger as they have been coming up for statehood.

The Senator from Minnesota [Mr. NELSON] in opening this discussion went into some detail with reference to the productions of Arizona, and argued from the census reports that Arizona was a small and insignificant subdivision, not worthy of statehood by herself. If that is true, allow her to remain upon the map as she is until her natural resources have been developed. I think I heard someone say in discussing this question that these resources had been developed; that they had practically reached the limit of development. They have thought that of every new section of the Western country since it was first known to exist—that it had reached the limit of development.

The southern portion of Idaho, which has been paraded upon the maps of the United States for the last twelve years as Snake River Desert, with dots over it as they indicate the

deserts of Africa, is to-day being placed under water and is destined to be one of the most fertile garden spots of the world. We have 4,000,000 sheep, 500,000 head of cattle, a vast number of horses living upon what has been termed the "desert of Idaho;" and now, through the wise action of Congress, the reclamation act comes to our relief, and we are bringing millions of acres of land under water and under cultivation, storing water for that purpose during the flood seasons of the year.

The same thing will be true of these great southern Territories. They tell you to-day that there is not a sufficient natural water supply to make their development by irrigation successful. The next generation will demonstrate to you that the wisdom of this generation was folly.

The Agricultural Department of the United States is developing new grains that require less water, that flourish under conditions that were impossible twenty years ago. The age of development is not past. The possibilities for to-morrow are greater than those of to-day, because human intelligence moves along like a problem in arithmetical progression and grows with its own growth. The wisdom of to-morrow is the principle that should guide our actions here to-day so far as we can see it.

But let us not discount the future. Let us give it credit for all we know it has, and leave a wide margin for future discovery.

To close the door forever against this area of the United States, as large as four of the great central Mississippi States, in the representation in the United States Senate, would be to do an injustice that you can never undo. You can not unmake a State. Texas stands in a position peculiar to herself. She can unmake herself and divide the State into five States. But no other State can do so. No other State has ever been divided, with the single exception of Virginia, and then under conditions which afford no rule for action in any other case.

The question is, Are you going to close this door upon that section of the country? How many Senators and how many Representatives have ever seen it, and how many seeing it, in the light of their experience, could estimate it correctly as to its possibilities in the future? The people living there went there because they had faith in it, and they stay in it because they have proven their faith. Arizona has shown a larger percentage of growth in the last ten years than any State that lies along this ocean; New Mexico the same. Leave them to grow. Do not close the door on them. Do not do anything with them now if they are not fit for statehood.

I hope that the amendment to this bill, which is proposed by the Senator from California [Mr. BARD], to strike out all reference to Arizona and New Mexico, will be adopted, and let us take up unembarrassed by this proposition of merging the two, at the proper time, the consideration of the question as to whether either or both of them are fitted for statehood and capable of maintaining statehood on the high plane of this country and its civilization.

I might go into a table of comparison between the present population and the production of these geographical divisions of the country with those that represent its origin, the original thirteen States. But I will not do it. I will merely say that they have grown so much more rapidly, that they have made so much more substantial gains in material wealth and products than these States have made, that it should cause us to pause, to think before we act. There is no hurry about admitting them. There is no hurry about passing an enabling act. The great majority of the States have come in without an enabling act. Most of them have made their constitutions and voted upon them before they came to Congress at all. That was the rule. It is only in a few instances—eleven, I think—that Congress has passed enabling acts. One might suppose from the pressure that is brought to bear here for the enactment of this bill that it was necessary, in order to give those people an opportunity to express their wishes, that Congress should grant them that power. If they want statehood and are fit for it, let them meet in convention and bring the result of their wisdom here, present it to us, and we will know from an examination of it whether they are fit for statehood or not.

New Mexico fourteen years ago undertook to frame a constitution, but the people repudiated it at the polls. They will give you all sorts of reasons why they did, but I know why they did it. We in Idaho were engaged in the same occupation at that time. We were making the constitution of Idaho, and Washington was making its constitution, and Montana was making its constitution. So we were all keeping close watch as to what the other was doing. I remember when New Mexico voted down in her constitutional convention a provision requiring the English language to be taught in the public schools

maintained at public expense, and I know that the country denounced them as unfit for statehood and self-government, as dangerous to the liberties and the welfare of the people who would be intrusted to their government. I do not believe they would do it to-day. I know that New Mexico and Arizona and every other part of this country have advanced in intelligent comprehension of the duties of citizenship and of government; that they would not make that mistake again. I only cite the instance, not to belittle the people of New Mexico, but to illustrate the benefit of time in the interest of intelligent action.

Why put them to the expense of holding a constitutional convention—whether the expense fall on them or on the Government makes no difference—and an election for the adoption or rejection of the constitution without knowing whether they will succeed in adopting a constitution and ratifying it? Let them come here with the accomplished work like Idaho and Montana and Washington and a majority of the States; let them come here with the proof of their ability to do so, and we will look at it and consider it, as President Washington did when Tennessee came here with her constitution. He said "it is evident from the documents and papers that they possess the ability to organize a government."

So I would urge upon the Senate that no steps be taken at this time toward the admission of either Arizona or New Mexico. Let them take the responsibility according to their own lights as they exist to-day, frame their constitutions, present them here with the ratification of their people, and we will determine whether they ought to be admitted or not.

As for the Indian Territory and Oklahoma, my own personal judgment is that Oklahoma ought to be admitted without any delay. I have great doubts as to the propriety of uniting the Indian Territory to Oklahoma for the purpose of statehood, because I am afraid when they have the power which statehood gives them the people of the Indian Territory will be a political plaything for the State of Oklahoma—an element to be handled, traded, to do business with. I am afraid of it. I may be wrong. My personal knowledge of the inhabitants of the Indian Territory is not gathered from any residence among them, but only from what I read about them and what I know about Indians. On the principle that none of us can succeed in obtaining everything we want, I should be willing to vote for the admission of Oklahoma with the Indian Territory as a part of it as the least of evils if Congress is determined at this session to admit States. But as to Arizona and New Mexico, there are so many reasons why this bill should not be enacted as it applies to them—and I know of none in favor of it, unless it be a desire which I can not believe exists, to shut the door on the West against future possibilities of representation in this body—that I can not support their admission as one State. I do not believe any Senator is actuated by that desire, but I have on my desk an editorial from one of the leading newspapers of this country demanding that the door shall be closed forever against these western people. That is the spirit—not personal to the Members of Congress—but it is that indefinable thing that helps to form public opinion which finds its way into the minds of all of us.

I believe it would be an unholy thing for Congress to close the door of just representation upon so large a territory. It would be as much of an outrage in this period of the existence of the Government as it would have been to have made the Northwest Territory one State, with two Senators. I speak in no invidious sense when I compare this condition with that of New England, with twelve Senators in this body; and New England is 4,000 square miles smaller than the single State in which I live. I have no desire to lessen the representation or the power of New England in this body or in the other. It has been a great influence and power for the good of the country and the civilization of the world. But we are dealing here with a practical question, and we must rid it of its sentiment. It goes to the future, not to the present. The Territories of Arizona and New Mexico have over 400,000 people within their borders. They have a permanent population almost as large as that of any of the original thirteen States, except Virginia, when they were admitted into the Union, and larger than most of them. Shall we shut it off to-day as though it had no future? That would not reflect credit upon the intelligence of this legislative body.

Mr. President, there can be no other reason for crowding this question of statehood than to get rid of it, as the papers say. I have heard said on this floor, "We want to get rid of this question of statehood." I have read it for years before I came here and I have heard it here repeatedly. We do not want to get rid of any great question like this until we have disposed of it justly. The spirit and intent of the founders of this Govern-

ment was that there should be harmony between the varying interests and the varying sections of the country.

Before you close your minds to this question and cast your votes, I hope you will take the census report of 1900 and make a comparative analysis of the growth of that country and of this. Make a comparative analysis of the product, the value and the increase in the value of the product of that country and this. I am sure when you have done so you will be convinced that that country represents the future of as great a development, of as great a civilization as you have around you here in the magnificent East. They are entitled to-day to be represented upon this floor, if they are States, because they are States, and not because they are 6,000,000 people. Disassociate in your minds the comparison based upon population. Does it not appeal to you that this body should protect itself against curtailment for the future as well as for the day? Your honor, the credit to your wisdom, rests with the future. They will measure you. They will inquire why their predecessors were so shortsighted that they were willing to include an area as large as that proposed in one State at the expense of the representation and membership of this body.

Mr. President, this is a subject that can not be disposed of in an hour in an argument that would satisfy a body of men such as compose this Senate. But this body gains little from what anyone may say upon such a subject, because they are each and all capable of analyzing and determining the question for themselves. But I could not refrain this afternoon from submitting my views upon this question of proportionate representation, of the balance of power, not only for the day, but for the future, when this new country shall have so advanced that the portion lying west of the Mississippi River will be of equal if not of more importance from the standpoint of wealth and productiveness with that lying east of it.

I have heard some unkind suggestions—perhaps that is putting it too strong—in regard to Nevada, criticising the wisdom of our predecessors in admitting Nevada. I have always had a warm place in my heart for Nevada. She gave us two hundred and fifty-two millions in gold during a period of our history when it was worth five times what that sum would be to-day. She made our credit good. She filled our Treasury with gold, and then she stopped for a breathing spell. She has been standing there quite a while in this breathing spell. But she is starting up again, and to-day in Nevada they are opening up the greatest mines in the world. She will treble her former contribution to the wealth of this country in the next few years.

More than that, the waters are being preserved through reservoirs and other systems there. Great valleys—valleys as big as some of the Eastern States—are being brought under cultivation in Nevada. That is only promise of what her neighboring States and Territories on the south are capable of.

Mr. HOPKINS. Will the Senator allow me?
The PRESIDING OFFICER (Mr. McCREARY in the chair). Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. The Senator is speaking of the wealth that Nevada has produced and what she is liable to produce in future. What does the Senator say about increase in population? As I remember the last election the vote there recorded was less than 12,000 as against twelve hundred thousand and more in States like Illinois, Pennsylvania, and New York.

Mr. HEYBURN. In reply I will say that the time when the State of Illinois was admitted into the Union she could not cast 12,000 votes at an election. We are not considering now how a State will be when it becomes great, not how many votes she can cast in fifty years from now, because Illinois was fifty years old when Nevada was born.

Mr. HOPKINS. But the Senator does not answer my question. When Illinois was admitted as a State she had the soil, the climate, and every other element which indicated that she would have as great a population as the future has demonstrated. The Senator was speaking of the wealth Nevada will produce. I ask the Senator what amount of population she will have?

Mr. HEYBURN. She will produce the population. I remember when Illinois was not very populous. I remember I heard it said when I was a boy what a great State Iowa would be if they could raise corn there. The early settlers in Iowa had their corn frosted the first season or two, and it was not until after a few years that they really began to realize that they could raise corn. Illinois, a splendid State, rich both in the past and in the future possibilities, may be no greater than Nevada. A State, aside from the individual, is great because of that which it produces, and I do not care whether it be wheat or corn or gold or silver or lead, it is the thing that con-

tributes to the wealth of the people. Nevada has area enough in her valleys to support a population as large as that of the State of Illinois. I think there is one county in Nevada about the size of Illinois.

Mr. HOPKINS. If the Senator will allow me, it is not the area or the gold and silver that is produced to which I am calling his attention. Are the climatic conditions, the soil, and everything else relating to Nevada such that in the future she will develop a population of men rather than develop a few millions of money, and will she be enabled to be represented on this floor by an intelligent constituent rather than by a few hundred millions of gold?

Mr. HEYBURN. Well, there is a field for prophecy. Our ancestors indulged in it, and if we were to indulge in it to-day probably we would fail. No man can say to-day what the future of any of those Western States will be in fifty years from now. I went to a State where there were, I think, 14 votes cast in the county where I lived when I went there the first time. We cast 6,000 now, and I have voted there for a little over twenty-one years. I have seen that State make the largest gain between the last censuses of any State in the United States. I do not want to boast of the State that I am from, but I use it to illustrate. I can not use a State for illustration that has not yet proven itself. But Nevada has every variety of climate that exists in the United States. She has her orange groves in the south, and she has her mountains with timber and the mines in the north.

Mr. HOPKINS. But is not her population less to-day than it was when she was admitted as a State?

Mr. HEYBURN. That is true of several States of the Union.

Mr. HOPKINS. Is it not true of Nevada?

Mr. HEYBURN. Yes; and it is true of several other States. But admitting the fact, we naturally inquire as to the cause. I am not here to defend Nevada. I was using that State simply as an illustration.

Mr. HOPKINS. But the Senator has said that it is true of other States. I do not call to mind any other State. I do not call to mind any other State that to-day has a less population than when it was admitted as a State, and if the Senator has the statistics I think he will be doing the Senate a favor by presenting them in his argument at this time.

Mr. HEYBURN. The enlargement of the statement by the Senator, of course, takes it out of the rule of my statement. I did not refer to the time of their admission. I referred—

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. Mr. President, as Nevada has become a subject of controversy in this debate, I wish to say in response to the inquiry made by the Senator from Illinois it is true that the population of Nevada to-day is not as large as it was a few years after it was admitted as a State; but I wish to state, further, that the period of lowest depression has been passed. It was passed some years ago, and for the last four or five years the population of that State has been steadily increasing. I think it has now 10,000 or 15,000 more in population than when the last census was taken.

Now, the cause of the depression of Nevada was that this State was mainly devoted to mining. The people paid little attention to agriculture. Irrigation was difficult, because of the unequal flow of the streams, torrential in the spring, when the snow on the mountains was melting, and reduced to a mere thread when water was most needed for ripening the crops.

Besides that, the whole spirit of the State was a mining spirit and a speculative spirit, and agriculture was conducted as a mere incident to the supply of the mining camps.

The depression in the price of silver caused by legislation prostrated the mining industry. The result was that Nevada passed through very serious conditions. But she has gathered her energies and is now devoting herself to a proportionate and harmonious development of the entire State, and of every occupation and industry in it; and to-day there is going on a development of railroads, of commerce, of agriculture, and of manufacturing hand in hand with the development of the mines.

The future of the State never looked so bright as now regarding mining, and as the mining camps furnish the best markets in the world for agricultural products we will find that the vast areas of land that are now being opened up by the Federal Government through the storage of water under the national reclamation act will be quickly settled and the products will be sold to the mines and farmers will be prosperous.

I see no reason why, within a reasonable time, Nevada should not support a very large population. I am sure that she has the resources for the support of over 1,000,000 people, and that is the confident belief of all the Government engineers who are engaged in the reclamation service and who are very familiar with the entire State, its topography, and its resources.

I beg the pardon of the Senator from Idaho for so long a digression, but when invidious reflections are made regarding one's State it is only fair that the representatives of the State should be heard.

Mr. HEYBURN. Mr. President—

Mr. HOPKINS. Will the Senator allow me a word?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. I desire to disclaim making any criticism upon the State of Nevada, and I feel sure that if the Senator from Nevada had been present when the colloquy between the Senator from Idaho and myself commenced he would have seen that Nevada was not brought forward by me as an illustration of the small population that is possessed by some of the Western States. It was brought forward by the Senator from Idaho, and then the question came up as to whether that State was in a condition to increase its population to any great extent in the future.

Mr. BATE. Mr. President—

The PRESIDING OFFICER (Mr. McCREARY in the chair). Does the Senator from Idaho yield to the Senator from Tennessee?

Mr. HEYBURN. Certainly.

Mr. BATE. I do not wish to interfere with the colloquy, but as it is now 5 o'clock and the Senator from Idaho is not through with his remarks it will be perhaps agreeable to suspend until to-morrow, and let us have an executive session.

Mr. HEYBURN. All right.

Mr. SPOONER. I move that the Senate proceed—

Mr. HEYBURN. I will yield to the Senator from Wisconsin. I desire to occupy the floor.

The PRESIDING OFFICER. The Chair was under the impression that the Senator from Idaho yielded to the Senator from Tennessee in order that an executive session might be moved, with the understanding that the Senator from Idaho will have the floor when the bill comes up to-morrow at 2 o'clock.

Mr. BATE. Yes, sir.

The PRESIDING OFFICER. The Chair hears no objection. The Senator from Wisconsin has the floor.

Mr. LODGE. Will the Senator from Wisconsin yield for me to submit a conference report?

Mr. SPOONER. And have it acted upon?

Mr. LODGE. Perhaps it is too late to have it acted upon now. I will let it go over until to-morrow.

EXECUTIVE SESSION.

Mr. SPOONER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 17, 1905, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 16, 1905.

COMMISSIONER OF PENSIONS.

Vespasian Warner, of Clinton, Ill., to be Commissioner of Pensions.

APPRAISER OF MERCHANDISE.

Charles F. Ordway, of Florida, to be appraiser of merchandise in the district of Tampa, in the State of Florida.

POSTMASTERS.

OHIO.

Charles C. Dewstoe to be postmaster at Cleveland, in the county of Cuyahoga and State of Ohio.

OREGON.

George M. Richey to be postmaster at La Grande, in the county of Union and State of Oregon.

WISCONSIN.

Laurel G. Andrews to be postmaster at Mukwonago, in the county of Waukesha and State of Wisconsin.

Frank J. Salter to be postmaster at Prentice, in the county of Price and State of Wisconsin.